

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.347 of 2017
and A.Nos.2680, 5467 and 6927 of 2017

M/s.Prasad Productions Pvt. Ltd.,
represented by its Authorised Signatory
No.28, Arunachalam Road,
Saligramam,
Chennai – 600 093.

...Plaintiff

Versus

Mr.Prakash Raj,
Proprietor,
Carrying on business under the name
and style of M/s.Prakash Raj Productions
at No.21/9, Balaraman Road,
Adyar, Chennai 600 020.

...Defendant

This Civil Suit is filed under Order XXXVII of the Code of Civil Procedure, 1908 read with Order VII Rule 1 of the Original Side Rules, praying for a direction to the defendant to pay the plaintiff (a) a sum of Rs.1,58,89,109/- (Rupees One Crore Fifty Eight Lakhs Eighty Nine Thousand One Hundred and Nine only) together with interest at 24% per annum on Rs.75,00,000/- (Rupees Seventy Five Lakhs only) from the date of plaint till date of decree;

(b) for the costs of this suit.

For Plaintiff : Mr.T.Poornam

For Defendant : Mr.A.Chidambaram

J U D G M E N T

The suit has been filed for the following reliefs:

- (a) direction to the defendant to pay the plaintiff a sum of Rs.1,58,89,109/- (Rupees One Crore Fifty Eight Lahks Eighty Nine Thousand One Hundred and Nine only) together with interest at 24% per annum on Rs.75,00,000/- (Rupees Seventy Five Lakhs only) from the date of plaint till date of decree;
- (b) for the costs of this suit.

2. The suit is claimed on the basis of the financial assistance made by the plaintiff to the defendant. The defendant has filed an application No.6928 of 2017 to condone the delay of 106 days in filing the application to leave to defend the suit and also an application No.6929 of 2017 to grant leave to defend the suit. At

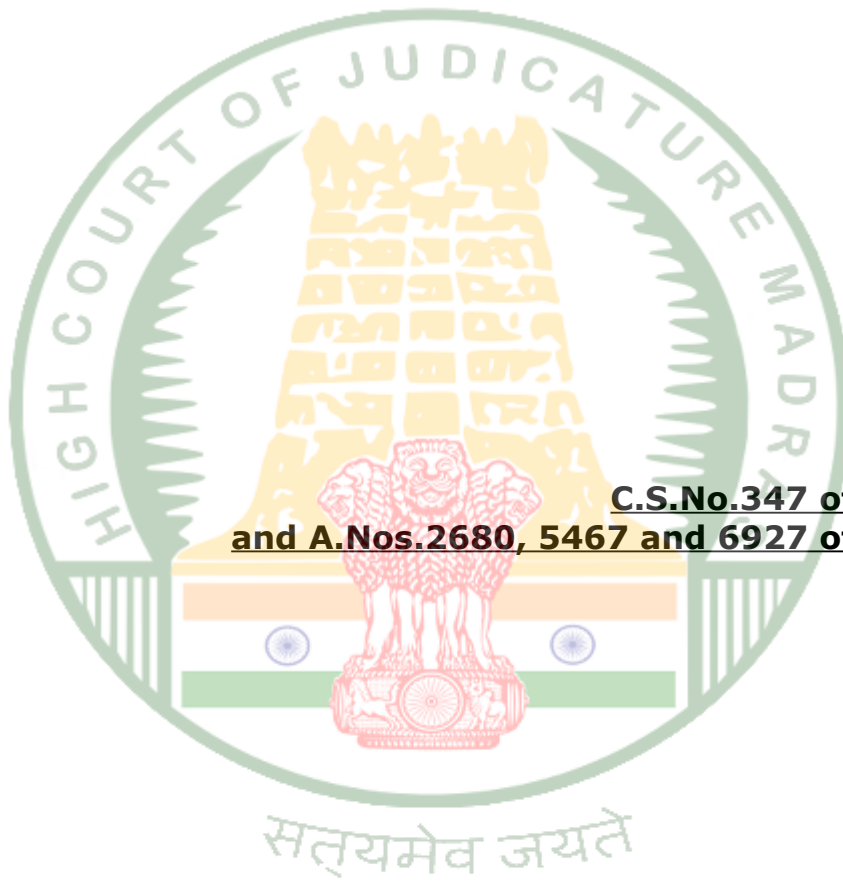
the time of hearing the application, this Court directed the defendant to deposit a sum of Rs.50,00,000/-to the credit of the suit. However, the same has not been complied. This Court further extended the time till 08.11.2019 to deposit the amount. On 08.11.2019 also the defendant has not deposited the amount. Hence, this Court dismissed the application not only for noncompliance of the order but also for the reason that there is no substantial defence in the application. The plaint which has deemed to be admitted and the plaintiff is entitled to decree the suit, in view of the portion of the Order VII Rule 5 of the Original Side Rules and also Order XXXVII Rule 6 and in view of the above direction passed by this Court, based on certain liability leave is also refused. The consequence is to grant the decree. Accordingly the suit is decreed with cost along with interest at the rate of 7% from the date of decree till the date of realisation. Consequently, connected miscellaneous petition are closed. Connected applications are closed.

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Index : Yes/No
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N.SATHISH KUMAR, J.,

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