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C.S. No.893 of 2005

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.893 of 2005

S. Shanmugham

Vs

.... Plaintiff

1. R. Kamala
1542, H-Block, 5th Street,
11th Main Road,
Anna Nagar,
Chennai – 40.

2. K. Rengaramanujam
1542, H-Block, 5th Street,
11th Main Road,
Anna Nagar,
Chennai – 40.

.... Defendants

Prayer : PLAINT FILED UNDER ORDER VII RULE 1 OF THE
CIVIL PROCEDURE CODE READ WITH ORDER 4 RULE 1 OF THE
O.S. RULES prays for a judgment and decree, which are as follows :-

i) Directing the defendants to pay to the plaintiff, the sum of
Rs.1,94,83,500/- together with interest on the sum of Rs.93,00,000 at the
rate of 18% per annum, from the date of plaint, till the date of realisation
and

ii) Directing the defendants to bear the costs of this suit



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For Plaintiff

: Ms. Aiswarya

for M/s.S. Nathan

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JUDGEMENT

This Court by its earlier order, dated 03.01.2025 made it clear that if the learned counsel for the plaintiff fails to file an application to bring on record the Legal Representatives (LR's) of the deceased plaintiff on or before the next hearing date, the suit shall stand automatically dismissed as abated.

2. The learned counsel for the plaintiff would now submit on instructions that the LR's of the deceased plaintiff are no longer interested in prosecuting the suit. But at the same time they are interested in refund of the Court fees paid in the suit. Since this Court in its earlier order dated 03.01.2025 had made it clear that if steps are not taken to bring on record the LR's of the deceased plaintiff, the suit shall stand automatically dismissed as abated. This Court cannot recall its earlier order and therefore necessarily since the application has not been filed to bring on record the LR's of the deceased plaintiff, till date, the suit has to be dismissed as abated. Accordingly the suit is dismissed as



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abated. However, liberty is granted to the LR's if they so desire to file an application seeking to set aside the order of abatement and also seek for refund of Court fees. No costs.

31.01.2025

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.

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