

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2013

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

C.S.No.1091 of 2008

MRS.CHANDRAKALA JAISWAL [PLAINTIFF]
 SOLE PROPRIETOR
 M/S.C.K.BEARING COMPANY
 AMAR COMPLEX NO.276 OLD NO.196
 THAMBU CHETTY
 CHENNAI - 1
 REP BY HER SON AND POWER OF ATTORNEY
 AGENT MR.RAVI JAISWAL

Vs

- 1 M/S.EBC MOSCOW LTD.
 6 NOVCOSGTAPOVSKAYA STR
 MOSCOW - 116088.
- 2 M/S.EPK BEARINGS INDIA PVT LTD
 PLOT NO.4B, IDA, CHERLAPALLY
 PHASE-III, RANGA REDDY DISTRICT
 HYDRABAD - 500 051
 ANDHRA PRADESH
- 3 M/S.EPC BEARINGS (INDIA) PVT LTD
 PLOT NO.131/C ROAD NO.15
 IDA MALLAPUR
 HYDRABAD - 600 076
 ANDHRAPRADESH [DEFENDANTS]

This Civil Suit has been filed to pass a Judgment and Decree:

(a) Directing the defendants jointly and severally to pay a sum of Rs.35,74,562/- together with interest at the rate of 12% per annum on the sum of Rs.33,59,205/- from the date of the plaint until realization.

(b) to pay the cost of the suit.

For petitioner Mr.S.Thanka Sivan

For respondents : Mr.Kasturi Rangan for
Mr.Sampath Kumar and Associates
for D1 and D2
Mr.B.T.Seshadri for R4

ORDER

This Civil Suit was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, by the order of this Court, dated 12.7.2013.

2. A communication, dated 18.11.2013, of the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, enclosing a copy of its Mediation Report, dated 28.10.2013, has been received, and in the said Mediation Report, it is stated as follows:-

"Plaintiff and the Defendants are arrived at an amicable settlement and have filed the Joint Memo of Compromise. Hence the matter is sent back to the Hon'ble Court."

3. As the parties have arrived at a settlement in terms of the Joint Memo of Compromise, dated 26.10.2013, this civil suit is listed for passing orders in terms of the said Joint Memo of Compromise.

signed by the parties and the counsels appearing for the parties concerned, reads as follows:-

"Joint Memo of Compromise filed by the plaintiff and the defendants is as follows:

The parties above named submit as follows:

The plaintiff has filed the above suit seeking recovery of a sum of Rs.34,72,562/- together with further interest from the defendants. During the pendency of the above suit, the matter was referred to mediation before the Tamil Nadu Mediation & Conciliation Centre. Pending mediation, the second defendant which is a 100% subsidiary of the first defendant offered on behalf of the first defendant and on its own behalf to settle the plaintiff's claim by paying a consolidated sum of Rs.6,00,000/- (Rupees six lakhs only) towards full and final settlement of the entire suit claim and the said offer has been accepted by the plaintiff with the view of amicably settling the dispute. The plaintiff also indemnify the defendants that they will not make any claim on the matters raised in the suit in future.

In furtherance to the above, the second defendant on behalf of their Hoding Company and on their behalf has paid the said sum of Rs.6,00,000/- (Rupees six lakhs only) by way of Demand Draft bearing No.511268 dated 25.10.2013 drawn on Syndicate Bank, Hyderabad. The said sum has been received by the plaintiff in full and final settlement of all his claim in the above

suit.

Hence it is prayed that full and final settlement may be recorded in the above suit and the suit may be dismissed as settled out of Court. It is also prayed that this Hon'ble Court may be pleased to order refund of 50% court fee paid by the plaintiff and thus render justice."

5. In terms of the settlement arrived at between the parties, which is recorded under the Joint Memo of Compromise, dated 26.10.2013, and in terms of the Mediation Report, dated 28.10.2013, before the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, this suit is decreed, recording the terms of the Joint Memo of Compromise, dated 26.10.2013. The terms of the Joint Memo of Compromise, dated 26.10.2013 and the Mediation Report, dated 28.10.2013, of the Mediation Centre, shall form part of the order. Connected Applications Nos.989 and 990 of 2009 and Applications Nos.5424 and 5425 of 2008 are closed.

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sd/.M.J.J
19.12.2013

//Certified to be a true copy//

Dated this the day of 2015

R.s/28.07.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.