

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

O.S.A.No.1 of 2015

1.M/s.Vestures (India) Ltd.,
No.5, Balaji Nagar, Chennai.
2.G.D.Ranka
3.Mangala Ranka
4.Vishal Ranka ... Appellants

-vs-

The Tamil Nadu Industrial Investment
Corporation Ltd., (Sponsored by
Govt. of Tamil Nadu), Chennai,
Rep. by its Manager,
S.Govind Swaminathan. ... Respondents

Appeal filed under Order XXXVI Rule 1 of O.S. Rules read with
Clause 15 of the Letters Patent against the order dated 18.07.2014
passed in A.No.1768 of 2014 in O.P.No.393 of 2003 on the file of
original side of this Court.

A.1768/14 in OP.No.393/2013: Application praying to pass a judgment
and decree for Rs.67,50,000/- to be paid to the petitioner corporation
within the time as may be fixed by this Hon'ble Court in
OP.No.393/2003.

For Appellants : Mr.V.Bhiman for M/s.Sampathkumar ASSO.

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J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

There cannot be a decree of admission under Order 12 Rule 6 of
the Code of Civil Procedure in the suit in question, as the
appellants before us are stated to have proposed a One Time
Settlement and remitted 10% of that amount, but there is nothing to
show that the same was accepted by the respondent / the original
plaintiff. In fact, in the pleadings, there is a categorical denial
that any such settlement was arrived at.

2.We are of the view that at best, in view of the receipt at page 18 of the typed set, the appellant may endeavour during the course of proceedings before the learned Single Judge to prove on evidence that a One Time Settlement had been arrived at, in terms whereof, the amount claimed by the original plaintiff is liable to be reduced to the alleged agreed amount.

3.The Original Side Appeal is, accordingly, dismissed with the aforesaid observations. Consequently, M.P.No.1 of 2015 is also dismissed.

Sd/-

Assistant Registrar

Dated:23.1.15

True Copy

Sub Assistant Registrar

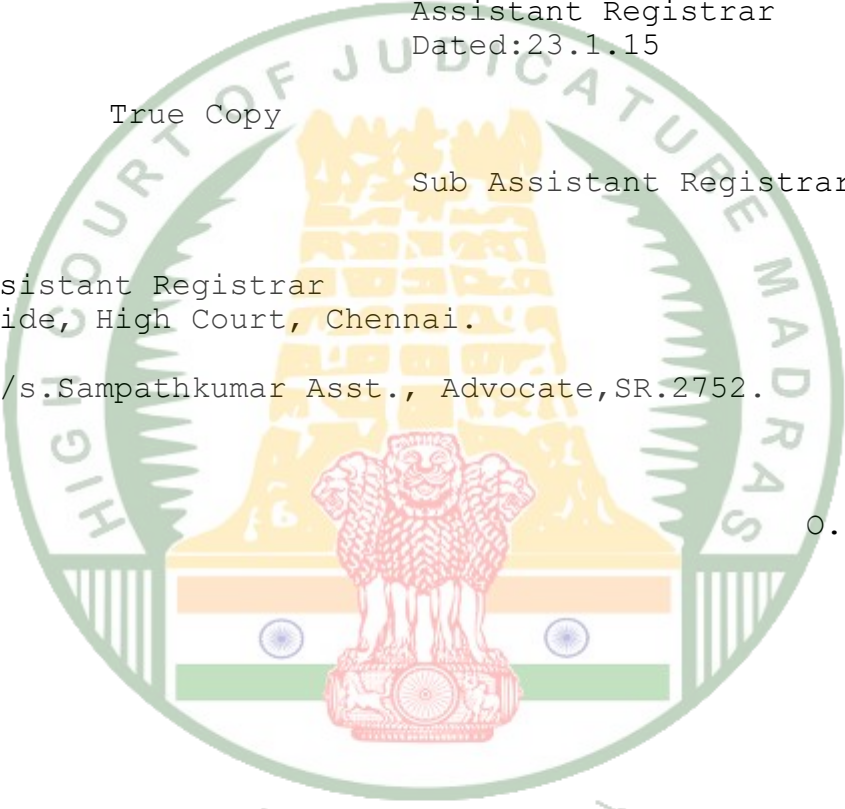
To

The Sub-Assistant Registrar
Original Side, High Court, Chennai.

+1 cc to M/s.Sampathkumar Asst., Advocate,SR.2752.

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O.S.A.No.1 of 2015



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