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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.11 of 2015
and
M.P.No.1 of 2015

ITC Limited,
A Company within the meaning of the
Companies Act, 1956,
having registered office at
37 Jawahar Lal Nehru Road,
Kolkata - 700 071,
in the State of West Bengal ... Appellant/Plaintiff

Vs.

M/s.Advent Computer Services Limited,
A Company within the meaning of the
Companies Act, 1956,
having office and carrying on business at
No.5, R.K. Nagar, 1st Cross street,
Mandaveli,
Chennai-600 028,
in the State of Tamil Nadu. ... Respondent/Dependant

Appeal filed under Clause 15 of the Letters Patent read with
Order XXXVI, Rule 9 of Original Side Rules against the order made in
A.No.858 of 2011 in C.S.No.99 of 2011 dated 09.07.2014

For Appellant : Mr.Mr.R.Muthukumaraswamy
Senior Counsel
for
Mr.Krishnasrinivasan for
M/s.Ramasubramaniam Associates



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For Respondent : Mr.T.V.Ramanujam
Senior Counsel
for
Mr.R.S.Raveendran

J U D G M E N T

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

The parties have agreed to settle the suit itself and the present appeal is directed against the interim order passed in C.S.No.99 of 2011.

2. An affidavit of undertaking has been filed by the respondent/defendant, in terms whereof, it is agreed that the respondent/defendant will pay a sum of Rs.2,00,000/- per month with effect from 01.03.2015 qua the suit property and will be permitted to enjoy the said property up to 31.03.2019 whereafter, vacant and peaceful possession of the suit property will be handed over to the appellant/plaintiff. The undertaking is to use the suit property for residential purpose of the Directors/Executives alone.

3. Paragraph 6 of the affidavit of undertaking is modified to the effect that 'in case of any two defaults in making the payment, the vacant and peaceful possession of the suit property will be handed over forthwith'. In this behalf, the deponent of the affidavit of undertaking present in Court has given his consent and the same is taken on record.

4. The aforesaid undertaking, which is accepted, shall remain binding on the appellant/plaintiff.

5. Separate order is already recorded in the suit for passing a decree.

6. The appeal is, accordingly, disposed of as compromised in terms of the decree passed in the suit today and the undertaking given by the respondent/defendant is accepted. No costs. Consequently, M.P.No.1 of 2015 is closed.



7. We appreciate the endeavour made by the learned counsel for parties to resolve the disputes in the suit itself saving both of them money, time, energy apart from peace of mind.

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Herein enter the Affidavit of undertaking xerox copy enclosed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.R.S.Raveendran, Advocate, S.R.No.13067
+1cc to Mr.S.Ramasubramaniam, Advocate, S.R.No.12648

O.S.A.No.11 of 2015

MG(CO)
CA(18/03/2015)