



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2015

CORAM

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

O.S.A.No.15 of 2015

M/s.Salem Stainless Steel
Suppliers (P) Ltd.,
Rep. by its Director, Mr.P.Shantilal Jain. .. Appellant

-vs-

M/s.Sumeet Machines Limited,
Rep. by its Managing Director,
Mr.Ajay Mathur. .. Respondent

Appeal filed under Order XXXVI Rule 1 of O.S. Rules read with Clause 15 of Letters Patent against the order dated 15.09.2014 passed in Application No.5319 of 2014 in C.S.No.1311 of 1994 on the file of original side of this Court.

For Appellant : M/s.G.Thilakavathy
for M/s.Vikram U Jain

J U D G M E N T

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

After some arguments, learned counsel for the appellant does not press the appeal, but states that it may be clarified by this Court that all defences on the issue framed are open to the appellant, arising from the conduct of the respondent over the number of years prior to the framing of the issue, as an additional issue.

2.We are of the view that nothing precludes the appellant from raising all pleas in law as also on facts of the case and if any defence arises to the issue on account of the prior conduct of the defendant, naturally the appellant is entitled to raise the same for adjudication.



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3.Appeal stands dismissed as withdrawn, in terms aforesaid.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sra

To

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

1 cc to Mr. Vikram V. JAin, Sr. 4492

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TEJ (CO)
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