

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

**C.R.P.(NPD).Nos.4369 & 4172 of 2015
and M.P.Nos.1 & 2 of 2015
and M.P.No.1 of 2015 in
C.R.P.(NPD).No.4369 of 2015**

M/s.Saimirra Innopharm Pvt. Ltdd.,
having office at 23, Lattice Bridge Road,
Adyar, Chennai - 600 020
rep by its Director J.Jayaseelan

... Petitioner in both C.R.Ps

Vs.

M/s.Ruby Organics Pvt. Limited
having Office at 11-A, Sandeep Park,
Deonar, Mumbai - 400 088.

... Respondent in both C.R.Ps

C.R.P.(NPD).No.4369 of 2015 filed under Article 227 of the Constitution of India against the order dated 25.08.2015 in E.A.No.73 of 2015 filed in E.P.No.110 of 2015 in Bombay High Court Summary Suit No.2602 of 2009 on the file of the Principal District Judge, Thiruvallur.

C.R.P.(NPD).No.4172 of 2015 filed under Article 227 of the Constitution of India against the order dated 10.08.2015 in E.P.No.110 of 2015 in Bombay High Court Summary Suit No.2602 of 2009 on the file of the Principal District Judge, Thiruvallur.

For Petitioner (in both C.R.Ps) : Mr.T.K.Bhaskar

For Respondent (in both C.R.Ps) : Mr.David Tyagaraj

COMMON ORDER

The learned counsel on either side represented that the petitioner/ Judgment Debtor and the respondent/Decree Holder had settled the matter out of Court and also entered into a joint memorandum of compromise dated 29.06.2016. The memorandum of compromise has been signed by the petitioner, respondent and their respective counsels.

2.In the memorandum of compromise, it has been stated that pursuant to the orders of this Court dated 04.11.2015 and 17.12.2015, the Judgment Debtor had deposited a sum of Rs.1,75,00,000/- (Rupees one crore and seventy five lakhs only) to the credit of E.P.No.110 of 2015 on the file of the Principal District Court, Thiruvallur on 07.01.2016. Thereafter, the petitioner also paid a sum of Rs.1,05,00,000/- (Rupees one crore and five lakhs only) to the respondent/Decree Holder on 29.06.2016, which was also acknowledged by the respondent/Decree Holder.

3.The learned counsel on either side submitted that in view of the settlement arrived between the parties, the Civil Revision Petition may be disposed of in terms of the memorandum of compromise.

4. In view of the submissions made by the learned counsel on either side and the memorandum of compromise dated 29.06.2016 filed before this Court, the Civil Revision Petition stands disposed of in terms of the memorandum of compromise. The memorandum of compromise shall form part of the record.

5. Mr. David Tyagaraj, learned counsel appearing for the respondent submitted that the respondent/Decree Holder may be permitted to withdraw the amount deposited by the petitioner/Judgment Debtor to the credit of E.P.No.110 of 2015 and that the Director of the respondent Company viz., Rummy Kumar may be permitted to collect the cheque on behalf of the respondent Company.

6. Mr. T.K. Bhaskar, learned counsel appearing for the petitioner has no objection for the Director of the Company to collect the cheque on behalf of the respondent/Decree Holder.

7. In view of the submissions made by the learned counsel on either side, the Principal District Court, Thiruvallur is directed to permit the respondent/Decree Holder to withdraw the sum of Rs.1,75,00,000/- (Rupees

one crore and seventy five lakhs only) laying to the credit of E.P.No.110 of 2015 by drawing a cheque in favour of the respondent/Decree Holder and handing over the same to the Director of the respondent Company viz., Rummy Kumar. In view of the settlement arrived at between the parties, the order of attachment made in E.P.No.110 of 2015 shall stand raised. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No
Internet : Yes
va

14.07.2016

Note: Issue order copy today itself.

To

The Principal District Court,
Thiruvallur.

M.DURAIWAMY,J.
va

**C.R.P.(NPD).Nos.4369 & 4172 of 2015
and M.P.Nos.1 & 2 of 2015
and M.P.No.1 of 2015 in
C.R.P.(NPD).No.4369 of 2015**

14.07.2016