

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM :

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

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

O.S.A.No.29 of 2016
and
C.M.P.No.3072 of 2016

1. Eswari Enterprises
P-II, 2nd Cross Street,
Turnbulls Road, Nandanam, Chennai 35.
2. Asokan
Managing Partner, Eswari Enterprises,
Mr.Surendra Agarwal
Chennai 35. ... Appellants/Defendants

-Vs-

Utkal Steels Limited
Rep. By its Managing Director,
Rourkela, Orissa. ... Respondent/Plaintiff

Appeal filed Under Order 36 Rule 9 of O.S. Rules read with
Clause 15 of the Letters Patent against the order dated
19.12.2012 passed in Appln.No.2803 of 2012 on the file of
original side of this Court.

For Appellants : Mr.Srinath Sridevan

For Respondents : Mr.R.Subramaniam

J U D G M E N T

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

It is pointed out to us that there has been subsequent
developments in the form of the appellants moving the learned
Single Judge to pay a sum of Rs.125 lakhs as lumpsum amount in
full and final settlement to the respondent and consequently,
the insolvency to be annulled. The amount is acceptable to the
respondent as stated by the learned counsel.

2.Thus, the only question would be of compliance by the appellants of their own offer which has been made before the learned Single Judge and that matter is likely to be listed shortly.

3.In view of the aforesaid position, there is no question of entertaining the present appeal, which has become infructuous on account of subsequent developments by passage of time.

4.Original Side Appeal is, accordingly, closed. No costs. Consequently, C.M.P.No.3072 of 2016 also stands closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

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

GJ(CO)
CA(08/03/2016)

O.S.A.No.29 of 2016

सत्यमेव जयते
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