

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

S.A.No.399 of 2016

Khristolpharm Pvt. Ltd.
Rep. By its Director
Mr.P.K.P.Rajeshwaran,
Chennai 602 102. Appellant/Defendant No.2

Vs.

1 M/s.Jain and Sons
Rep. By its Kartha,
Chennai 600 010. Respondent/Plaintiff

2 P.Srikanth
Director,
M/s.Kristolpharm P. Ltd.,
Chennai 600 040. Defendant No.1 (Given up in
AS & SA)

Second Appeal filed under Section 100 of C.P.C. against the Judgment and Decree dated 29.10.2014 made in A.S.No.328 of 2009 on the file of the XVII Additional Court, City Civil Court, Chennai concurring the Judgment and decree dated 31.10.2008 made in O.S.No.2481 of 2007 on the file of the XIII Assistant Court, City Civil Court, Chennai.

For appellant : Mr.K.K.Muralidharan

For Respondents: Mr.Natarajan for
M/s.Aiyar & Dolia

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O R D E R

Today, a memorandum of compromise, dated 11.7.2016 entered into between the parties and signed by both of them as well as their respective counsel, is filed before this Court wherein the terms of compromise reads as under:

'The parties after negotiation have agreed to amicably settle their claims in the above proceedings and the terms and conditions as agreed by the parties are as follows:

- a) The appellant above named has agreed to pay a sum of Rs.4 lakhs (Rupees Four Lakhs only) in one installment against full and final settlement of the claims of the respondent above named in O.S.No.2481 of 2007 and C.C.No.81 of 2007.
- b) The installment of Rs.4,00,000/- (Rupees Four Lakhs only) shall be paid by the appellant on or before 15th July, 2016.
- c) The appellant above named has issued a Manager's cheque dated 11th July, 2016 for an amount of Rs.4,00,000/- (Rupees Four Lakhs only) favouring the respondent and the respondent above named is acknowledging receipt of the Managers Managers cheque in full and final settlement of the two cases filed by them viz. O.S.No.2481 of 2007 and C.C.No.81 of 2007 against the appellant above named.
- d) The respondent above named agreed to report settlement and withdraw the aforesaid C.C.No.81 of 2007 before the Fastrack Court No.1, Egmore, Chennai on the next date of hearing on 27.7.2016 and the appellant above named agrees not press the above S.A. on the above terms and conditions. The parties have agreed for recording of these memorandum of compromise as part of final order in the above S.A.
- e) The parties agree that there is/will be no substituting or future claim against each other and this is in full and final settlement of all their rights and obligations.
- f) In case of any default by the appellant in payment of any installment, the respondent will be at liberty to initiate appropriate proceeding against the appellant and in that case the parties will be deemed to have waved their rights and obligations under the present memorandum of compromise."

2 Counsel for either side and the parties themselves are present before this Court and seek for disposal of the Second Appeal in terms of Memorandum of Compromise.

3 The learned counsel for the appellant further submitted that since the matter has been settled between the parties in the above terms, a sum of Rs.4 lakhs (Rupees four lakhs only) already deposited by the appellant during pendency of the First Appeal before the First Appellate Court, which is still lying in the credit of the said First Appeal, may be permitted to be withdrawn.

4 Needless to say that if any amount so deposited is still lying in the credit of the First Appellate Court, the appellant is entitled to withdraw the same in view of the compromise arrived at between the parties as stated above.

5 Accordingly, the Second Appeal is disposed of in terms of the Memorandum of Compromise which shall form part of the record as well as judgment and decree of the Second Appeal. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The XVII Additional Court, City Civil Court, Chennai.
- 2 The XIII Assistant Court, City Civil Court, Chennai.

+1cc to Mr.K.K. Muralitharan, Advocate, S.R.No.39797

NM(CO)
EU(04/08/2016)

S.A.No.399 of 2016

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