

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2017

CORAM :

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble MR.JUSTICE M.SUNDAR

**O.S.A.Nos.166 to 168 of 2017
and C.M.P.Nos.11160 to 11166 of 2017**

Ms.Maimoona Badsha .. Appellant in all OSAs.

-vs-

- 1.Shinu J.Pillai
- 2.Sachin Joseph
- 3.Suja S.
- 4.Indulekha S.P.
- 5.Philip T.Paul
- 6.Badsha & Co.

B2, May Fair, Chakola Colony Road,
Thevara, Cochin 682 015, Kerala. .. Respondents in all OSAs.

Appeal filed under Order XXXVI Rule 1 OS Rules r/w Clause 15 of Letters Patent against the common judgment and decree dated 28.03.2017 in O.A.No.1099 of 2016 and A.Nos.110 and 111 of 2017 in O.A.No.1099 of 2016 in C.S.No.921 of 2016 on the file of original side of this Court.

For Appellant : Mr.Vineet Subramani

For Respondents : Mr.S.P.Vijayaragavan
for RR 1, 3 and 6

* * * * *

J U D G M E N T

(Judgment of the Court was delivered by Mr.M.Sundar, J.)

When these intra-court Original Side Appeals came up for admission on 27.07.2017, at the joint request of learned counsel for the appellant as well as learned counsel for the aforesaid contesting respondents (who was present in Court voluntarily), we referred the matter to Tamil Nadu Mediation and Conciliation Centre under the aegis of this Court to settle their disputes.

2.The report of the Tamil Nadu Mediation and Conciliation Centre dated 02.08.2017 is before us today.

3.Mr.Vineet Subramani, learned counsel for the appellant and Mr.S.P.Vijayaraghavan, learned counsel appearing for contesting respondents 1, 3 and 6 are before us.

4.From the report of the Mediation Centre as well as the submissions made by the learned counsel on either side before us, it is seen that a compromise has been arrived at between the parties. The terms of the compromise have been captured in a Joint Memorandum

of Compromise dated 02.08.2017, which is also before us. We deem it relevant/pertinent to extract the same which reads as under:

JOINT MEMORANDUM OF COMPROMISE

- 1. Respondent 1, Mr.Shinu Pillai, represents himself, Respondent 3, who is his wife and Partner in the 6th Respondent firm, and the 6th Respondent Firm.*
- 2. Respondent 1 states that Respondents 1, 3 & 6 have stopped using the name "Badsha & Co." since 01.01.2017.*
- 3. Respondent 1 undertakes that Respondents 1, 3 & 6 shall not hereafter use the name "Badsha & Co.".*
- 4. Appellant, Ms.Maimoona Badsha, states that this is acceptable to her.*
- 5. The parties pray that this Joint Memorandum of Compromise may be taken on record.*

5.From the Joint Memorandum of Compromise and the submissions of the learned counsel on either side, it is evident that the parties (Appellant and Respondent No.1, for himself and for and on behalf of his spouse-Respondent No.3 and partnership firm-Respondent No.6) who are signatories to the Joint Memorandum of Compromise, i.e., contesting respondents/defendants, were present before the Mediation Centre and therefore, we deem it appropriate to dispense with the presence of the parties before this Court for recording the Joint Memorandum of Compromise.

6.We are informed by the learned counsel on both sides that the aforesaid contesting respondents alone are contesting the main suit too.

7.In view of the above, these Original Side Appeals stand disposed of in terms of the Joint Compromise Memo dated 02.08.2017. Suit file is called for and this Joint Compromise Memo is recorded in the main suit also with a direction that the same shall form part of the decree in the suit, a copy of which shall be retained in these appeals. No costs. Consequently, C.M.P.Nos.11160 to 11166 of 2017 stand closed.

(T.S.S., J.) (M.S., J.)
10.08.2017

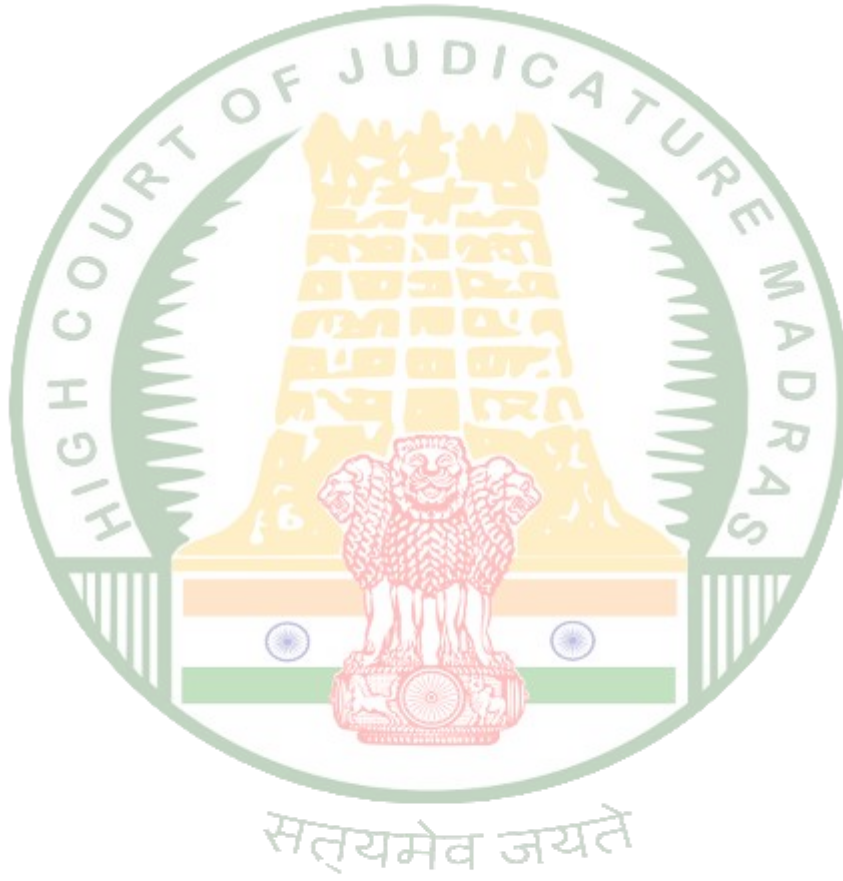
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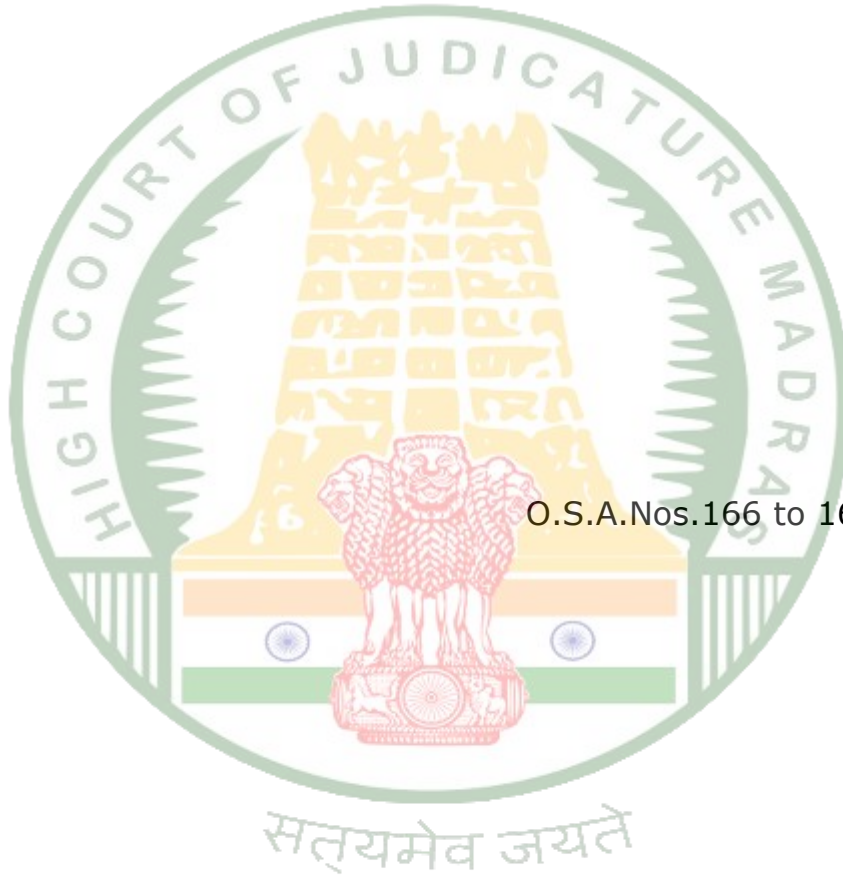
The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.



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T.S.Sivagnanam, J.
and
M.Sundar, J.

(sra)



O.S.A.Nos.166 to 168 of 2017

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