

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.No.33 of 2017
and
CMP No.3001 of 2017

Shyam Krishna Agarwal ... Appellant/Plaintiff

Vs.

G.Karthick ... Respondent/Respondent

Original Side Appeal filed under Order 36 Rule 9 of O.S.Rules r/w clause 15 of the letters patent against the order dated 28.11.2016 in Appln.No.5216 of 2016 in C.S.No.1022 of 2005.

For Appellant : Mr.S.Namasivayam

For Respondent : Mr.B.R.Shankaralingam

JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. After some arguments, the learned counsels for the parties are agreed that the appeal may be disposed of, with the following directions:-

(i) The respondent will deposit a sum of Rs.5,00,000/- (Rupees Five lakhs only) via., in an interest bearing fixed deposit, maintained with a nationalised bank. The Fixed Deposit Receipt (in short, "FDR") will be drawn in favour of the Registrar General of this Court and the original will be handed over to him, within a period of eight (8) weeks from today. The deposit shall, initially, enure for a period of one (1) year and shall be renewed from time to time, unless orders to the contrary are issued by the Court.

(ii) The FDR shall stand to the credit of the suit i.e, C.S.No.1022 of 2005, pending on the original side of this Court. The use and disbursal of amount reflected in the FDR shall abide by the final orders in the suit.

(iii) An affidavit will be filed by the respondent undertaking to abide by conditions stipulated in Clause (i) and (ii) above.

(iv) The operative directions contained in the impugned judgement shall remain unaltered.

2. To be noted, the respondent is present in Court and represented by his Counsel, Mr.B.R.Shankaralingam.

2.1. Further more, we may also note that the appellant is also present in Court.

2.2. The parties have accordingly, appended their signatures, to the order passed, herein above.

3. The appeal is disposed of, in terms of the aforementioned agreement and the undertaking given to the Court. Resultantly, pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-
(Shyam Krishna Agarwal)
Appellant

Sd/-
(G.Karthick)
Respondent

Sd/-
Counsel for the Appellant

Sd/-
Counsel for the Respondent

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

svki

To

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

2.The Registrar General,
High Court, Madras.

+1cc to Mr.B.R.Shankaralingam, Advocate, S.R.No.59131

O.S.A.No.33 of 2017

BR(CO)
CA(11/09/2017)