

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2017

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

C.S.No.424 of 2009
and
C.S.No.405 of 2011

C.S.No.424 of 2009

Eight Capital India [M] Limited,
A company incorporated under the laws of Mauritius
having its registered office at
Suite 450,
4th Floor, Barkly Wharf East,
Le Caudan Waterfront,
Port Louis, Mauritius
Rep. by its Power of Attorney
Vikram Chachra

... Plaintiff

Vs

1.Well Knit Apparels Private Limited,
25 [Old No.10], College Road,
Nungambakkam,
Chennai-6.
Rep. by its Managing Director,
C.R.Badrinath

2.C.R.Badrinath

3.T.N.Anand Reddy

... Defendants

Plaint filed under Order VII Rule 1 of C.P.C. r/w Order IV Rule 1 of the
Original Side Rules of the High Court praying to pass a Judgment and Decree :

[a] to direct the defendants 1 to 3 to jointly and severally pay a sum of Rs.4,04,26,095/- to the plaintiff towards interest upto March 31, 2009 on the two series of debentures issued by first defendant;

[b] for a permanent injunction restraining the defendants 1 to 3, their respective men, servants, agents and employees from in any manner alienating, creating any charge or leasing or selling or encumbering the Schedule "A" and Schedule "B" properties;

[c] to direct the defendants to create a charge over the Schedule A and B properties in favour of the plaintiff by executing a Mortgage and causing the registration of the same;

[d] to direct the defendants to restore the fixed assets of the first defendant, if any that have been sold by them without the consent of the plaintiff and in violation of the provisions of the Master Facility Agreement dated May 21, 2007;

[e] to direct the defendants 1 to 3 to jointly and severally pay default interest at the rate of 6% p.a. on the said sum of Rs.4,04,26,095/- from the date of the plaint till the date of realization and

[f] to direct the defendants to pay the costs of the suit.

C.S.No.405 of 2011

Eight Capital India [M] Limited,
A company incorporated under the laws of Mauritius
having its registered office at
Suite 450, 4th Floor, Barkly Wharf East,
Le Caudan Waterfront, Port Louis, Mauritius
Rep. by its Power of Attorney
Ravi Chachra

... Plaintiff

Vs

1. Well Knit Apparels Private Limited,
 Plot No.A11, A12, A13 and A14, Phase-II,
 MEPZ-Special Economic Zone,
 NH 45, Tambaram,
 Chennai-45.
 Rep. by its Managing Director,
 C.R.Badrinath

2.C.R.Badrinath

3.T.N.Anand Reddy

... Defendants

Plaint filed under Order VII Rule 1 of C.P.C. r/w Order IV Rule 1 of the Original Side Rules of the High Court praying to pass a Judgment and Decree :

[a] to direct the defendants 1 to 3 to jointly and severally pay a sum of Rs.5,40,00,000/- to the plaintiff towards interest for the period 01.04.2009 to 31.03.2011 on the two series of debentures issued by first defendant;

[b] to direct the defendants 1 to 3 to jointly and severally pay default interest at the rate of 6% p.a. on the said sum of Rs.5,40,00,000/- from the date of the plaint till the date of realization and

[f] to direct the defendants to pay the costs of the suit.

For Plaintiff : Mr.A.R.Ramanathan
 in both suits

For Defendants : Mr.R.Sivaraman
 in both suits

COMMON JUDGMENT

The suits were referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. Mediation report dated 19.04.2017 has been received, reporting that the parties have settled the matter amicably, as per the terms cited in the Memorandum of Agreement enclosed therein.

2. Accordingly, both the suits are decreed in terms of the said Memorandum of Agreement entered into between the parties dated 18.04.2017. Memorandum of Agreement dated 18.04.2017, shall form part and parcel of the decree. No costs.

02.06.2017

gya

Index : Yes/No

Internet : Yes/No

P.KALAIYARASAN, J.

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<http://www.judis.nic.in>