

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2017

Coram

The Hon'ble Mr. Justice Nooty. Ramamohana Rao
and

The Hon'ble Mr. Justice S.M. Subramaniam

O.S.A No. 219 of 2012

and

M.P. Nos. 1, 2 and 3 of 2012

Vijayashanthi Builders Limited
Rep. by its Director,
3, Blackers Road, IV Floor,
Vijaya Complex,
Chennai 600 002.

...Appellant/Defendant

Versus

Jammi Pharmaceuticals (Registered Firm)
Rep. by its Partner, Mr. J. Venkataraman,
62, Royapettah High Road,
Chennai 600 004.

...Respondent/Plaintiff

This Original Side Appeal is filed under Order XXXVI
Rule 1 of the O.S. Rules read with Clause 15 of the Letters
Patent to set aside the judgment and decree dated 23.08.2011, in
C.S.No.1007 of 1999.

For Appellant : Mr. R. Parthasarathy

For Respondent : Mr. M.S. Sundararajan

JUDGMENT

(Judgement of the Court was delivered by
Nooty Ramamohana Rao, J.,)

After hearing the learned counsel appearing on either
side, and also after going through the record, we felt that the
matter should be settled amicably amongst the parties.
Accordingly, we directed the appellant to pay a further sum of
Rs.20,00,000/- in two installments of Rs.10,00,000/- each, the
first of which, was to be paid before 30.04.2017 and the second
installment to be paid before 30.05.2017. Accordingly, it

appears that the appellant has transferred a sum of Rs. 10,00,000/- on 28.04.2017 to the Bank Account of the respondent, the beneficiary being, 'Jammi Pharmaceuticals' on the Account Number 03232560002794. A further sum of Rs.10,00,000/- was accordingly transferred to the same account on 25.05.2017. The learned counsel for the appellant, Shri. R. Parthasarathy, has drawn a Memo of Compliance, bringing out these details. Copy of this Memo was also served on the learned counsel for the respondent, Shri. M.S. Sundararajan, who has also acknowledged the same.

2. In view of the faithful compliance of our order, dated 13.04.2017, we are happy to record that all disputes between the parties, which are the subject matter of lis in this Original Side Appeal stand resolved. It goes without saying that the respondent-Firm stands discharged of the obligations arising out of the undertaking furnished by them to this Bench at the interlocutory stage.

3. In that view of the matter, we dispose of this Original Side Appeal, by passing a decree in Terms of Memorandum of Compliance arrived at, by and between the parties, as noted down in the joint Memo filed into the Court today. Accordingly, the dispute between the parties shall stand settled in accordance with and in terms thereof. This Memorandum of Settlement shall form part of the decree. There shall be no order as to costs. Consequently, Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrr/sd

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The Sub Assistant Registrar
Original Side
High Court, Madras.

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+1 cc to Mr.M.S.Sundararajan Advocate sr 39541
+1 cc to Mr.Sathish Parasaran Advocate sr 39540

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