

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2017

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
AND
THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

Original Side Appeal No.330 of 2012

and M.P.No.1 of 2012

Sri Balaji Papers International Private Ltd.,
No.17, Dhandapani Street,
T.Nagar, Chennai-600 017. .. Appellant

Vs.

1. ASPEX Paper Australia Private Ltd.,
No.55, Market Street, Sydney,
Australia, rep. by its General Power of Attorney
Fine Paper Source Private Limited,
No.9, Baker Street, Chennai.
Pin - 600 001.
2. The Official Liquidator,
High Court, Chennai. .. Respondents

Prayer : The appeal filed under Clause 15 of the Letters Patent
and Order XXXVI, Rule 1 of the Original Sides Rules, against the
order and decree, dated 06.07.2012, passed in C.P.No.210 of
2009.

For Appellant : Mr.Krishnan
for M/s.A.Sivaji

For Respondents : Ms.K.Sundaravallli,
for M/s.S.Namasivayam, for R1

JUDGEMENT

(Judgement of the Court was delivered by Rajiv Shakdher, J.)

1. On the previous date, i.e., on 03.03.2017, we had
recorded that the matter between the parties was settled under
the aegis of the Tamil Nadu Mediation and Conciliation Centre,
High Court, Madras.

1.1. As a matter of fact, in the aforementioned order, we had referred to the mediation report dated 10.02.2017, in that behalf.

2. As per the settlement arrived at between the parties, the appellant was required to pay a sum of Rs.4,00,000/- to respondent No.1. It was also recorded that the first tranche in the sum of Rs.2,00,000/- was required to be paid on or before 10.02.2017, while the second tranche in the sum of Rs.2,00,000/- was required to be paid on or before 24.02.2017.

2.1. As indicated in the said order, the first instalment was paid to respondent No.1, in time; a fact, which was accepted by Ms.K.Sundaravalli, who appears for respondent No.1. In so far as second instalment was concerned, Mr.Krishnan, who appears for the appellant, had brought to Court, a cheque in the sum of Rs.2,00,000/-, and delivered the same to the learned counsel for respondent No.1. The aforesaid cheque furnished in Court by the learned counsel for the appellant has been dishonoured.

3. To make up for the default committed, Mr.Krishnan, has brought to Court, today, a Demand Draft bearing No.935986, dated 10.03.2017, drawn on Karur Vysya Bank, Chennai C.C.O. Branch, in the sum of Rs.2,00,000/- (Rupees two lakhs only).

3.1. Mr.Krishnan, says that the said draft be accepted, as full and final settlement towards discharge of appellant's obligation under the settlement agreement.

4. We are of the view that respondent No.1 had callously handed over the cheque, on the previous date, via its counsel, knowing fully well that solemnity is attached to court proceedings and that a cheque in the sum of Rs.2,00,000/- could not have been handed over, if, requisite funds were not available in its bank account.

5. Accordingly, the aforementioned Demand Draft is handed over to Ms.Sundaravalli, learned counsel for respondent No.1. Ms.Sundaravalli, on her part, has handed over the dishonoured cheque to Mr.Krishnan.

5.1. Furthermore, the appellant is also directed to pay another sum of Rs.5,000/- towards costs to respondent No.1. The said costs will be made within one week from today.

6. With the aforementioned direction, the appeal and pending application are disposed of.

7. The Registry will list the captioned appeal 'for compliance' on 03.04.2017.

8. If, compliance is not made, the Managing Director of the

appellant, i.e., Mr.S.Sanjeevi, shall remain present in Court on the next date of hearing.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

gg

To

1.The Sub Assistant Registrar,
High Court, Madras-104

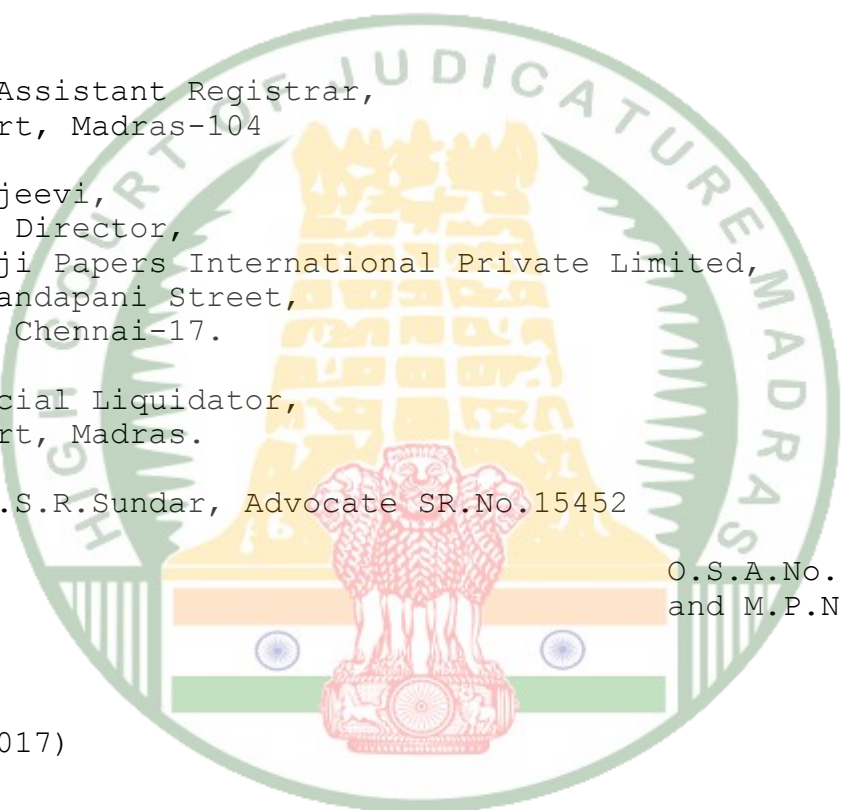
2.Mr.S.Sanjeevi,
Managing Director,
Sri Balaji Papers International Private Limited,
No.17.Dhandapani Street,
T.Nagar, Chennai-17.

3.The Official Liquidator,
High Court, Madras.

+1cc to Mr.S.R.Sundar, Advocate SR.No.15452

O.S.A.No.330 of 2012
and M.P.No.1 of 2012

RJ(CO)
GN(24/03/2017)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital with four lions. The entire emblem is set against a background of green and yellow stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. Below the emblem, the motto "सत्यमेव जयते" is written in Devanagari script.

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