

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Suit No.329 of 1996
and
Application No.1713 of 2014

M/s.A.V.Thomas Industrial Products Ltd
22, Marshals Road,
Egmore,
Madras 600 008.

... Plaintiff**-Versus-**

1.Avigna Oil Mills Ltd.,
1664, 21st Main Road,
Anna Nagar West,
Madras 600 040.

2.N.S.Krishna Kumar,
1664, 21st Main Road,
Anna Nagar West,
Madras 600 040

... Defendant

Suit filed under Order IV, Rule 1 of the Madras High Court [Original Side] Rules, 1956 r/w order VII Rule 1 of the Code of Civil Procedure, 1908 for a decree (i) directing the defendants to pay a sum of Rs.94,45,485.49 paise to the plaintiff jointly and severally together with interest @ 21% per annum with quarterly rests being a commercial transaction under section 34 of CPC from the date of plaintiff till date of payment in full; (ii) directing 1st defendant to return of the plant and machinery set out in the

schedule to the plaintiff or to pay a sum of Rs.5,57,867.95, if machinery is not in working condition, (iii) direct the defendants to pay a sum of Rs.30,000/- as damages p.m. until return of the schedule mentioned machinery to the plaintiff or payment of its value.

For Plaintiff : Mr.Ragul Balaji

For Defendant : Mr.C.Seethapathy

JUDGEMENT

Suit for recovery of a sum of Rs.94,45,485.49 paise from the defendants jointly and severally together with interest @ 21% per annum with quarterly rests being a commercial transaction under section 34 of CPC from the date of plaintiff till date of payment in full; (ii) return of the plant and machinery set out in the schedule to the plaintiff or recovery of a sum of Rs.5,57,867.95, if machinery is not in working condition, (iii) damages of Rs.30,000/- p.m. until return of the schedule mentioned machinery to the plaintiff or payment of its value and (iv) for costs.

2. Today, when the matter came up for hearing, the learned counsel for the plaintiff submitted that pending suit, the parties to the suit entered into a compromise and settled the matter amicably between themselves. Therefore, the learned counsel for the plaintiff prayed this court to permit the plaintiff to withdraw the suit. He has also made an endorsement to that effect.

3. At this juncture, the learned counsel appearing for the defendants submitted that the defendants will have no objection for the dismissal of the suit as withdrawn, however, he prayed that the document furnished by the defendants as security pursuant to the order of this court, may be ordered to be returned to the defendants. The learned counsel for the plaintiff has got no objection for the return of documents which were said to have been produced as security to the defendants.

4. **In the result**, the suit is dismissed as withdrawn. No costs. The Registry is directed to return the documents produced by the defendants as security pursuant to the order of this court. Consequently, connected Application is closed.

24.04.2018

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Plaintiff's side witness:

Nil

Defendant's side witness:

Nil

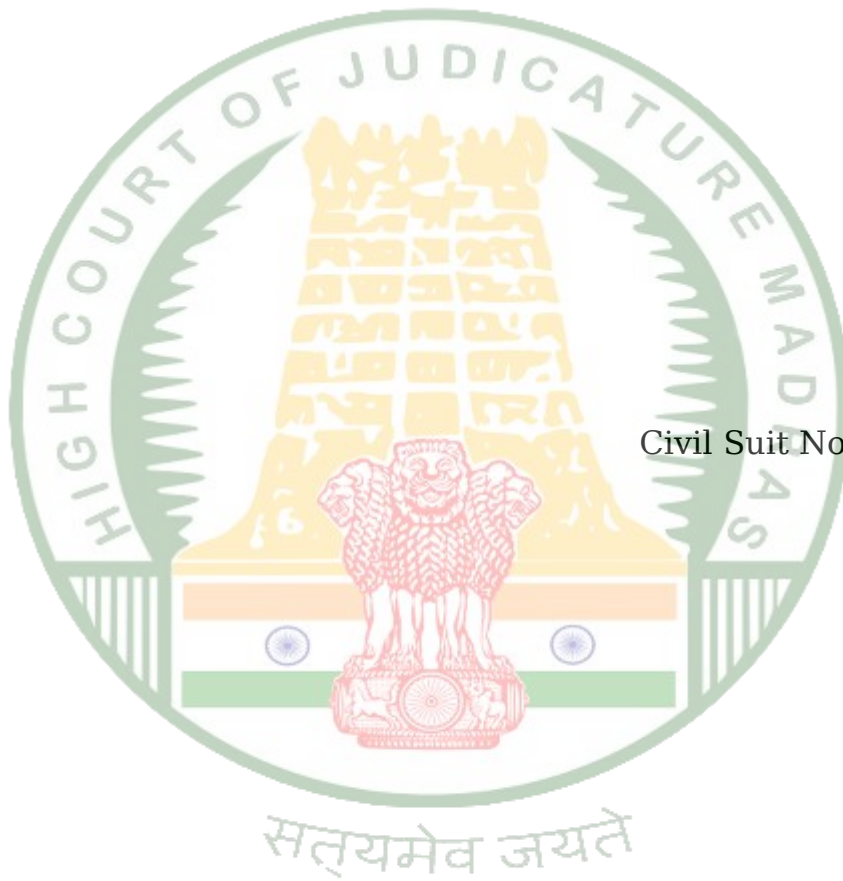
Plaintiff's side exhibits:

Defendant's side exhibits:

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V.BHARATHIDASAN.J.,

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