

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.12.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.768 of 2005

M/s.Tuscan Consultants & Developers
Private Limited,
a company registered under the Companies Act,
having its office at TUSCAN Centre,
70, Infantry Road,
Bangalore - 560 001 represented by its
Managing Director Mr.S.Vasudevan ... Plaintiff

Vs.

- 1.Mr.Nawab Ali Khan
2. Mr.Nawabzada Kursheed Mohamed Khan,
- 3.Mr.Nawabzada Rafiq Mohamed Khan
- 4.Mrs.Vimala Devi
- 5.Mr.S.Pradeep Kumar Chordia
- 6.Mr.S.Arun Kumar Chordia
7. Mr.S.Harish Kumar Chordia
- 8.Mrs.Leela Kanwar
- 9.Mrs.Indra Kanwar
- 10.Mrs.Latha Kanwar
- 11.Mr.A.Theodore

.. Defendants

This Civil Suit is preferred, under Order IV Rule 1 of Original Side Rules, Read with Sections 26 and Order VII Rule 1 C.P.C, Praying to;

- a) Direct the Defendants to pay the Plaintiff a sum of Rs.1,51,81,170.00p (Rupees One Crore Fifty One Lakhs Eighty One Thousand One Hundred and Seventy Only) with subsequent interest at 18% per annum from the date of suit till realization;
- b) To award costs of the suit,
- c) To pass such other order as may be deemed fit in the circumstances of the case and thereby render justice.

For Plaintiff : Mr.R.Swaminathan

For Defendants : Mr.B.Divakaran
for D1 to D3 and D12 to 14

JUDGMENT

Mr.R.Swaminathan, learned counsel on record for sole plaintiff and Mr.B.Divakaran, learned counsel record for defendants 1 to 3 and 12 to 14 are before this Commercial Division.

2. Mr.Swaminathan, learned counsel on record for sole plaintiff submits that plaintiff has given instructions for withdrawal of this suit. Saying so, learned counsel on record for plaintiff has made an endorsement in the suit file which reads as follows:

'The suit is settled out of Court. CF may be directed to be returned as per the CF Act. The refund may be ordered to be returned to the counsel's account.'

-sd/-

(Counsel for Plaintiff)

17.12.2018.'

3. Learned counsel for plaintiff seeks refund of Court fee as per applicable Rules stating that trial has not commenced. Learned counsel also requests for refund in the name of the counsel on record for plaintiff stating that plaintiff's company representative has to travel from Bangalore for this purpose, which can be avoided.

4. Registry to process refund of Court fee as per prevailing applicable Rules and give instruments in the first named counsel on record for plaintiff viz., Mr.R.Swaminathan.

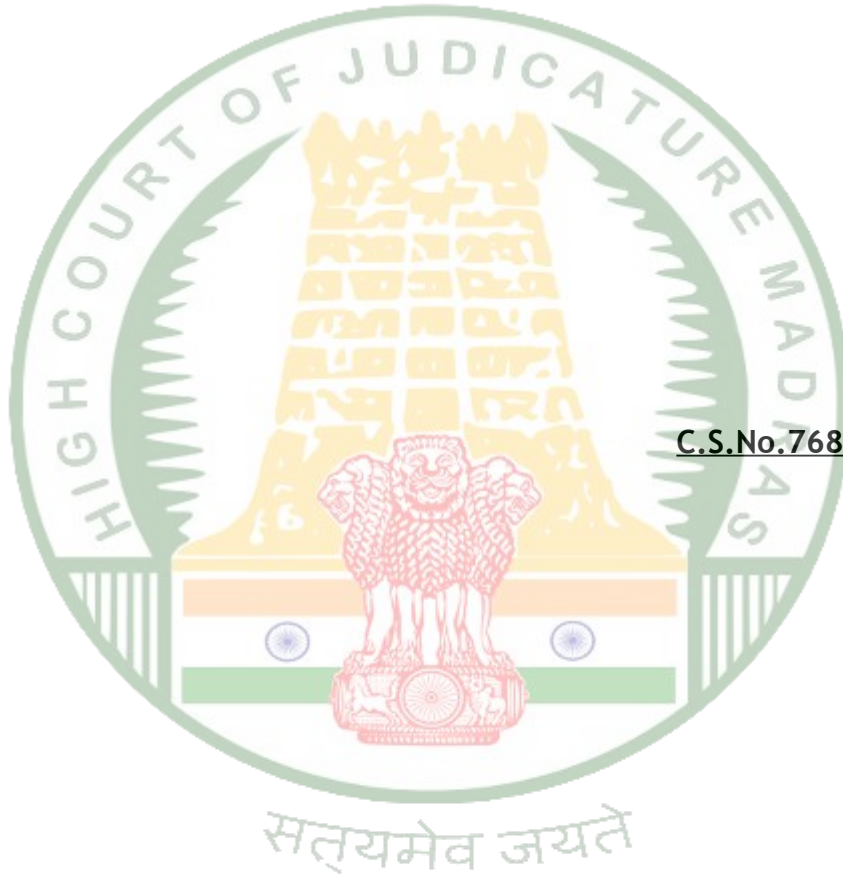
5. In the light of the endorsement and reiteration of the same in the hearing, this suit is dismissed as withdrawn. There shall be no order as to costs.

17.12.2018

Index : Yes/No

M.SUNDAR, J.

vsm/mp



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