

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

**C.S.No.384 of 2018**  
**and O.A.No.1154 of 2018**

Dr.P.Kalidas  
S/o.G.Perumal,  
Proprietor  
M/s.Madhumathii Films,  
No.622, Thiruvottriur High Road,  
Tondiarpet, Chennai - 600 081

... Plaintiff

Vs.

Mr.V.Sathyamurthi,  
Proprietor,  
M/s.Clapboard Production,  
Plot. No.H, Block.3, Ceebros Shayamala Garden,  
Arcot Road, Saligramam,  
Chennai - 600 093.

...Defendant

This Civil Suit is preferred, under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of CPC praying to

a) For pay a sum of Rs.1,55,00,000/- (Rupees One Crore and Fifty Five Lakh only) together with interest at 18% from the date of plaint to till date of realization; and

b) For pay costs of the suit and other orders in the circumstance of the case and thus render justice.

For Plaintiff : Mr.A.Prabhakaran

For Defendant : Mr.R.Vignesh Kumar

**JUDGMENT**

There is a sole plaintiff and a lone defendant in this suit.

2. Mr.A.Prabhakaran, learned counsel on record for sole plaintiff submits that he has instructions from sole plaintiff to withdraw this suit as settled out of Court. To be noted, this Commercial Division is informed that sole plaintiff is present in Court and aforesaid instructions have been given to counsel on record for plaintiff by the plaintiff.

3. Learned counsel for plaintiff has made an endorsement in the suit file which reads as follows:

*'As per instructions from the plaintiff, as the issue is settled out of Court, I am withdrawing the suit and the same may be dismissed as withdrawn and Court fee may be refunded as per prevailing Rules.'*

Sd/-  
(19.12.2018)  
Counsel for Plaintiff'

4. Mr.R.Vignesh Kumar, learned counsel on behalf of sole defendant is before this Commercial Division.

5. Reiterating the aforesaid endorsement in the suit file, learned counsel for plaintiff submits that lis has been settled out of Court and requests for refund of Court fee as per applicable Rules/Procedure. Both

sides submit that the trial has not commenced.

6. Registry to process refund of Court fee as per applicable Rules and procedure and issue an instrument in name of the plaintiff.

7. In the light of the narrative supra, this suit is dismissed as settled out of Court. Consequently, connected interlocutory application is closed. There shall be no order as to costs.

19.12.2018

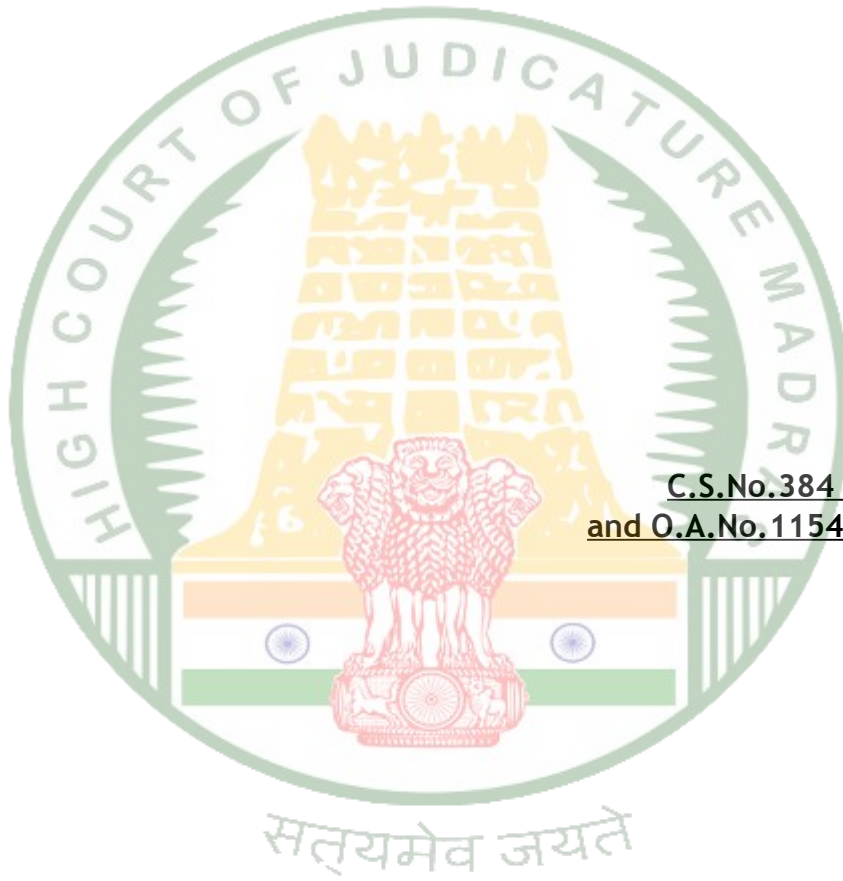
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