

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.09.2018
CORAM :
THE HONOURABLE DR. JUSTICE ANITA SUMANTH

C.S. No.560 of 2007
and
C.S.880 of 2009

M/s.Ponds Exports Limited
Registered Office at
New No.18, (Old No.123)
G.N.Chetty Road,
T.Nagar, Chennai 600 017. ...Plaintiff in 560 of 2007/
1st defendant in 880 of 2009

Vs.

1. M/s.Ceva Freight (India) Pvt Limited
represented by its Branch Finance
Controller Mr.Srinivasan ... Plaintiff in 880 of 2009/
1st defendant in 560 of 2007

2.Josef Seibel Schuhfabrik GMBH,
Registered Office at
GEBR-SEIBEL-STR, 5-9
76846 Hauenstein,
Germany. ... 2nd Defendants in both suits.

PRAYER in both suits:- Plaints filed under Order IV rule 1 Original Side Rules read with Order VII Rule 1 of CPC to pass a Judgment and decree against the defendants as follows;

C.S No.560 of 2007:

(i) Directing the defendants to jointly and severally pay the Plaintiff a sum of Rs.30,03,531.35 together with further interest at the rate of 24% per annum as may be accrued from the date of Plaint till date of realisation in full.

(ii) For a declaration that the plaintiff is not liable to pay the First Defendant any money whatsoever as claimed by the First defendant in its Lawyer's notice dated 09.01.2007 and their rejoinder dated 19.02.2007.

(iii) For cost of the suit.

C.S No.880 of 2009:

(i) directing the defendants jointly and severally to pay a sum of Rs.2,07,99,140.50 ps. Alont with further interest on Rs.1,35,94,939.50 ps @ 19% per annum from the date of plaint till the date of realization.

(ii) directing the defendants to pay the cost of this suit.

For plaintiff in C.S. No.880/09
& first defendant in C.S. No.560/07 : Mr.S.Raghunathan

For first defendant in C.S. No.880/09
& plaintiff in C.S. No.560 of 2007 : Ms.Maithili

For second defendant in both suits : No appearance

JUDGMENT

The learned counsel for the plaintiff and first defendant in both suits have filed a joint memo dated 29.08.2018 being the terms of settlement entered into between the aforesaid parties in relation to the disputes arising in the suits. Though, the second defendant in both suits has been served, there is no appearance for or on his behalf.

2. Today, the joint memorandum of settlement dated 29.08.2018 is placed on record.

3. In the light of the same, both suits are decreed in terms of the joint memo of settlement which shall form part and parcel of the order. No costs.

10.09.2018

rkp

Speaking order/Non speaking order

Index: Yes/No

Internet: Yes/No

DR.ANITA SUMANTH, J.

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C.S.880 of 2009

and

C.S. No.560 of 2007

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