

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

CIVIL SUIT No.70 of 2015

Dr.J.Murali Manohar

... Plaintiff

Vs.

1. M/s.Ad Bureau Advertising Pvt. Ltd.,
rep. by its Authorised Signatory,
Madhubala Nahar,
having office at "Rayala Towers",
No.781, Mount Road,
Chennai 600 002.
2. Madhubala Nahar
W/o.Abir Chand Nahar,
having office at "Rayala Towers",
No.781, Mount Road,
Chennai 600 002.

... Defendants

Civil Suit filed under Order IV Rule I of the Original Side Rules read with Order VII Rules 1 to 6 of the Code of Civil Procedure.

For Plaintiff : Mr.T.T.Ravichandran

For Defendants : Mr.V.Sankaranarayanan

J U D G M E N T

Civil Suit filed under Order IV Rule I of the Original Side Rules read with Order VII Rules 1 to 6 of the Code of Civil Procedure seeking to restrain the defendants, its authorized signatory Ms.Madhubala Nahar, their men, agents, subordinates or any one acting under them from in any manner entering or trespassing into the office of the plaintiff, which is morefully described in the Schedule mentioned property or in any manner cause nuisance/annoyance into the plaintiff, his associates and staff by intimidating or insulting them in any

manner or issue text messages that may be sent from the 2nd defendant's mobile phone to the plaintiff or his associates, which are matters that may emanate from the Memorandum of Understanding dated 25.04.2014 entered into between the Plaintiff and the Defendants.

2. The 2nd Defendant/Madhubala Nahar has filed an Affidavit dated 11.03.2019 stating that the Defendants in the above Suit have filed C.S.No.545 of 2015 against the Plaintiff herein and its Guarantor for recovery of money of Rs.6.84 crores and the same is pending before this Court. For better understanding, relevant portion of the said Affidavit is extracted hereunder:

"Affidavit of Mrs.Madhubala Nahar

I, Madhubala Nahar, W/o.Mr.Abirchand Nahar, aged about 47 years, having office at Rayala Towers, No.781, Mount Road, Chennai 600 002, do hereby solemnly affirm and sincerely state as follows:

(i) I am the Director of the above Defendant Company and the 2nd Defendant in the above proceedings and as such am competent to affirm by this Affidavit on behalf of the Petitioner Company. Being conversant with the facts of the case and acquainting myself with relevant records, I am setting forth the following facts for benign consideration of this Hon'ble Court to render justice.

(ii) I respectfully submit that the Defendants have filed C.S.No.545 of 2015 against the Plaintiff herein and its guarantor for recovery of money of Rs.6.84 crores and the same is pending before this Hon'ble Court. Thus, the Defendants have filed appropriate legal proceedings against the Plaintiff herein for recovery of money.

(iii) Therefore, in lieu of the Civil Suit

C.S.No.545 of 2015 filed by the Defendants against the Plaintiff, the Defendants hereby undertakes and informs that they have never entered nor would enter into the office premises of the Plaintiff. The Defendants have full faith in the legal system.

In the light of the above facts stated herein, it is humbly prayed that this Hon'ble Court may record the above undertaking by the Defendants herein and may close the present suit C.S.No.70 of 2015 and thereby render justice."

3. The above Affidavit of Undertaking dated 11.03.2019 filed by the 2nd Defendant is taken on record. In lieu of the Civil Suit in C.S.No.545 of 2015 being filed by the Defendants against the Plaintiff herein and as the Defendants undertake and inform that they have never entered nor would enter into the office premises of the Plaintiff and prays that the present Suit may be closed, **the above Civil Suit in C.S.No.70 of 2015 is closed.** However, there will be no order as to costs.

12.03.2019

Index : Yes/No
Speaking Order : Yes/No

(aeb)

S.VAIDYANATHAN,J.

(aeb)

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