

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

O.S.A.No.252 of 2015
and
M.P.No.1 of 2015

Aslam
Sole Proprietor
M/s.Oceans
P.B.No.283, Kochangadi,
Cochin - 682 002. Appellant

Vs

1.M/s.Evergreen Sea Foods Pvt. Ltd.,
represented by its
Managing Director,
T.Loganathan
No.29, Kummalamman Koil Street,
Tondiarpet, Chennai - 600081.

2.M/s.Ruskin Sea Foods Ltd.,
Stafford Part 15,
Teleford Shropshire TF3 3BB,
United Kingdom.

3.Gelpeixe S.A.
Sete Casa Apariada 42,
Portugal.

4.Vee Tee Jay Exports Pvt. Ltd.,
Palluruthy,
Cochin - 682 005.

... Respondents

Original Side Appeal filed under Order 36 Rule 9 of
Original Side Rules r/w Clause 15 of Letter of Patent against
the judgment of this Court passed in C.S.No.9 of 1999 dated
13.07.2015.

For Petitioner : Mr.A.Abdul Rahman
For Respondents: Mr.S.Vasudevan

JUDGMENT

[Judgment was delivered by R.SUBBIAH,J]

This appeal arises against the judgment of this Court passed in C.S.No.9 of 1999 dated 13.07.2015.

2. Appellant herein is the second defendant and respondents 2 to 4 are defendants 1, 3 and 4 respectively in C.S.No.9 of 1999. First respondent/plaintiff has filed C.S.No.9 of 1999 before this Court seeking the following relief :

- (a) the defendants 1 to 3 jointly and severally to pay the plaintiff a sum of Rs.38,53,798.49 together with interest at the rate of 24% p.a. from the date of plaint till the date of realisation.
- (b) the defendants jointly and severally to pay the plaintiff a sum of Rs.10,38,456.36 together with interest at 24% p.a. from the date of plaint till the date of realisation.
- (c) costs of this suit.

3. This Court, by judgment dated 13.07.2015, has decreed such suit with costs and directed as follows:

'53. In the result, the suit is decreed with costs. The defendants 1 to 3 are jointly and severally liable to pay a sum of Rs.38,53,789.49 together with interest at 24% p.a. from the date of plaint till the date of decree and thereafter, at the rate of 12% p.a. till payment. Out of the amount of Rs.38,53,789.49, the defendants 1 to 4 are jointly and severally liable to pay a sum of Rs.10,38,456.36 along with interest at 24% p.a. from the date of plaint till the date of decree and thereafter, at the rate of 12% p.a. till payment. Time for payment is three months.'

Challenging such judgment, appellant/second defendant has filed the present appeal.

4. Today, when the matter is taken up for hearing, learned counsel for the first respondent/plaintiff has filed 'Memo of Full Satisfaction' dated 02.02.2019 stating that a settlement has been arrived at between the parties and pursuant thereto, first defendant has paid a sum of Rs.1,46,50,000/- (Rupees One Crore Forty Six Lakhs and Fifty Thousand only) to the first respondent/plaintiff. It is further stated that the receipt of Rs.1,46,50,000/- is in full and final satisfaction of the judgment and decree dated 13.07.2015 in C.S.No.9 of 1999.

5. Learned counsel for the appellant has also made an endorsement in the appeal to the following effect :

'In view of the memo filed by the Ist Respondent,
this Appeal may be disposed of. Memo dated 2/2/19.'

Recording the endorsement of learned counsel for the
appellant and the Memo of Full Satisfaction filed by the first
respondent, the Original Side Appeal is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Gm

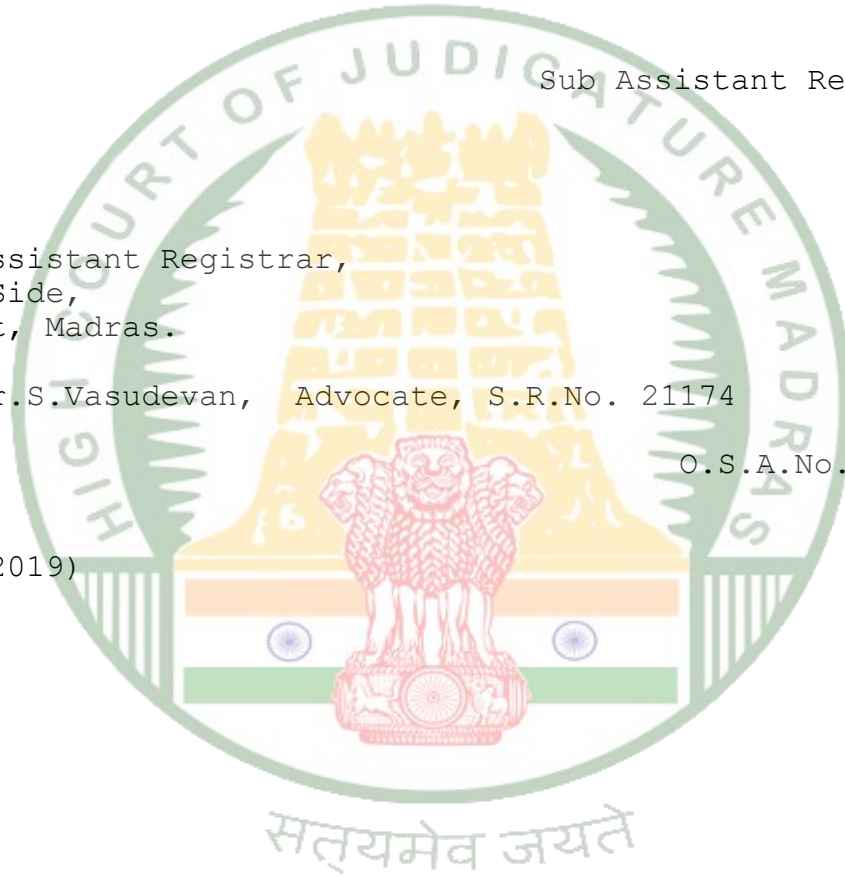
TO

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.S.Vasudevan, Advocate, S.R.No. 21174

O.S.A.No.252 of 2015

RGN(CO)
GN(10/04/2019)



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