

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

O.S.A. No. 166 of 2018

T.Abdul Jabbar ... Appellant/Defendant

Vs.

1.N.P.Abdulla
2.Abdul Basheer
3.V.Musthafa
4.K.C.Moidu
5.Sooppy K.T.K.,
6.K.Latheef

... Respondents/Plaintiffs

Prayer: Appeal filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent against the judgment and order dated 06.12.2017 made in O.A. No.744 of 2016 in C.S. No. 610 of 2016 on the file of this Court.

For Appellant : Mr.A.E.Ravichandran

For Respondents: Mr.G.Veerapathiran
for R1,R3,R4 & R6

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal is preferred against the order of the learned Single Judge who passed a conditional order against the appellant to be complied with by him in the suit filed for recovery of money based upon an undertaking given admittedly by him on 11.02.2015.

2. When the matter is taken up for hearing, for the disposal of the present appeal alone, it is agreed by the parties represented through their counsel, as under:-

- (i) The appellant shall pay a sum of Rs. 10 lakhs to the respondents without prejudice to the contentions made in the appeal within a period of six weeks from the date

- of receipt of a copy of this judgment;
- (ii) The undertaking given already with respect to the alienation of his right in the running business pertaining to the hotel would hold good till the disposal of the suit;
- (iii) We request the learned Single Judge dealing with the suit to expedite the hearing after framing issues and make an endeavour to dispose of the suit within a period of six months from the date of receipt of a copy of this judgment;
- (iv) It is made clear that if the appellant fails to comply with the aforesaid terms (i) and (ii), then liberty is given to the respondents to revive the order of the learned Single Judge.

With the above said observation, the appeal stands disposed of. No costs. Consequently, connected CMP No. 9002 of 2018 stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

The Sub Assistant Registrar
Original Side
High Court, Madras.

+1cc to Mr.G.Veerapathiran, Advocate Sr.26216
+1cc to Mr.A.E.Ravichandran, Advocate Sr.4103

O.S.A. No. 166 of 2018

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srg 27/04/2019