

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.89 of 2018
and O.A.No.121 of 2018

M/s. Carboline India Pvt. Limited

Represented by its Managing Director Sandeep Sarda

Plot No. 365 & 367, SIDCO Industrial Estate

Ambattur,

Chennai – 600 098.

...Plaintiff

Versus

1.M/s. ONGC Petro Additions Limited

Represented by its Regional Construction Manager

Mr. Pramod Kumar Chaubey

Having its office at 1st Floor, Omkara Building,

Near Sai Chowkdi,

Manjalpur,

Vadodara – 390 011.

2.M/s. Fernas Construction India Pvt. Ltd.,

Represented by its Director Engin Nasiroglu,

Having its registered office at No.9,

Malhan Falcon Plaza,

Plot No.4, Pocket-7, Sector-12,

Dwaraka,

New Delhi.

3.Bank of America

Represented by its Branch Manager,
P.O. Box 340, 8th Floor,
Express Avenue Chambers,
No.49, 50 L, Whites Road, Royapettah,
Chennai – 600 014.

...Defendants

This Civil Suit is filed under Order VII Rule 1 of Code of Civil Procedure r/w Order IV Rule 1 of Original Side Rules, prayed (i) for permanent injunction restraining the defendants 2 and 3 from invoking the two bank guarantees furnished by the third defendant in Ref. No.GT010547/13 and Ref No. GT010548/13 expiring on 30th September, 2018 in any manner;

(ii) direct the defendants pay the cost of the suit;

For Plaintiff : Mr.T.Kokilavane

For Defendants : Mr.A.Abdul Hameed
for M/s.AAV partners for R1

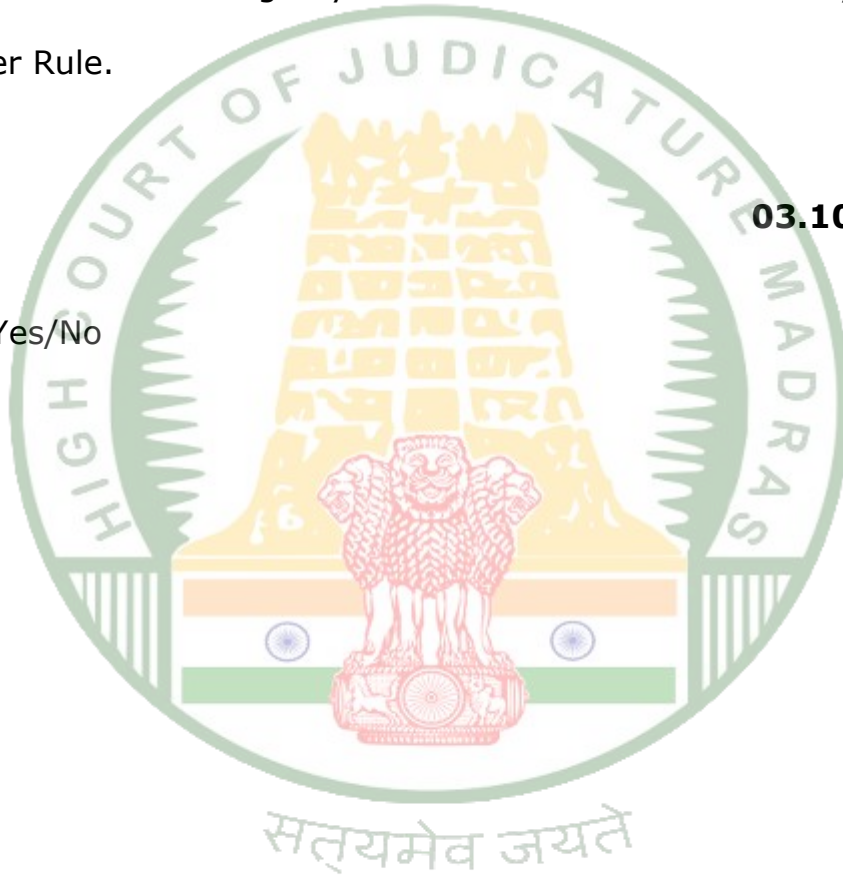
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The learned counsel for the plaintiff seeks permission of this Court to withdraw the suit and he has also filed a memo dated 01.10.2019 to that effect.

2. Recording the same, the Civil Suit is dismissed as withdrawn at liberty to file a fresh suit on the cause of action at a future date if warranted. No costs. Consequently connected application is closed. Registry is directed to refund necessary Court fee as per Rule.

03.10.2019

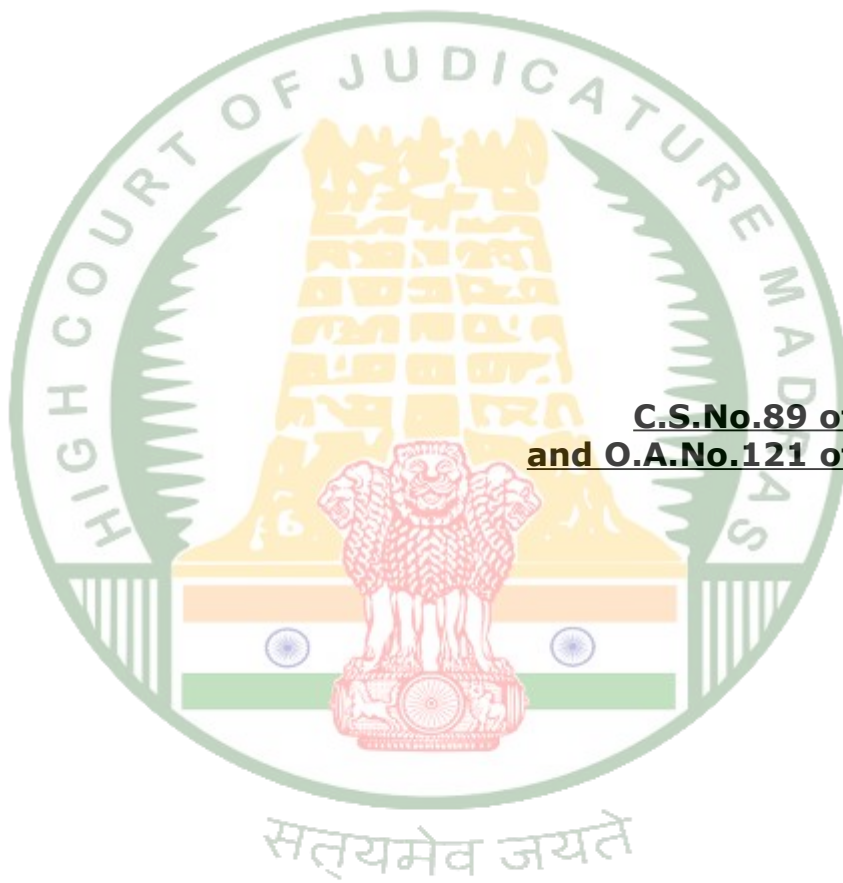
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N.SATHISH KUMAR, J.,

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