

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

**C.S.No.431 of 2015**

Polaris Banyan Holding Private Limited

Having its registered office at  
Polaris House, 244, Anna Salai,  
Chennai-600 006.

Represented by its Director Mr.Arun Jain ...

Plaintiff

..Vs.

1. Auromed Holdings Private Limited

Having its registered office at  
No.4, 13th Avenue, Harrington Road,  
Chetpet, Chennai-600 031.

2. Auromed Hospitals Pvt.Ltd.

Having its registered office at  
I, Sabthagiri Garden,  
Solainathar Main Road,  
Muthialpet, Pondicherry-605 003.

3. Niramaya Ventures India Private Limited

Having its registered office at  
No.4, 13th Avenue, Harrington Road,  
Chetpet, Chennai-600 031.

4. Dr.Anand Khakhar Kantilal

Having residence at  
401, Prince Regent,  
Kilpauk, Chennai-10.

5. Gitanjali Jain Bhattacharje

Having office at

No.4, 13th Avenue, Harrington Road,

Chetpet, Chennai- 600 031.

...

Defendants

**PRAYER:** Plaint under Order IV, Rule 1 of O.S.Rules, Read with Order VII Rule 1 of C.P.C., praying for a Judgment and Decree against the defendants (a) directing the 1st, 4th and 5th Defendants to pay the Plaintiff an amount of Rs.8,49,63,316/- (Rupees Eight Crore Forty Nine Lakh Sixty Three Thousand Three Hundred and Sixteen only) with interest @ 18% per annum on Rs.6,65,00,000/- (Rupees Six Crore Sixty Five Lakh only) from the date of plaint till the date of realization; (b) directing the 2nd, 4th and 5th Defendants to specifically perform their obligations as committed at their meeting with the Plaintiff's representatives held on 27.09.2013 and confirmed subsequently at the meeting held on 10.05.2014 with the Plaintiff and do all acts whatsoever required to release the charge/lien over the Plaintiff's Term Deposits bearing FDR No.KCC/01/120229023876 and FDR No.KCC/01/120423/023876 lying with Corporation Bank, Nungambakkam Branch, Chennai or in the event of any enforcement of the charge/lien by Corporation Bank, direct the 2nd, 4th and 5th Defendants to compensate the Plaintiff to the extent of the maturity value of FDR No.KCC/01/120229023876 dated 28.02.2012 and FDR No.KCC/01/120423023876 dated 04.06.2012.

For Plaintiff : Mr.K.Harishankar

**J U D G M E N T**

Today, when the matter is taken up for hearing the learned counsel appearing for the Plaintiff submitted that the matter has been settled out of Court. He has also made the following endorsement:

***"The Plaintiff prays that the suit may be dismissed as settled out of Court and refund of entire court fees, may be made in favour of the Plaintiff Company"***

2. Based on the submission made by the learned counsel for the Plaintiff and also in view of the endorsement made, this Civil Suit is dismissed as settled out of Court. The Registry is directed to refund the eligible Court fee to the Plaintiff in terms of the Tamil Nadu Court Fees Act. No costs.

20.06.2019

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**KRISHNAN RAMASAMY, J**

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**C.S.No.431 of 2017**

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**20.06.2019**