

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Civil Suit No.719 of 2018

Dharmendra Kumar Kumbhat  
Son of Kamalchand Kumbhat,  
Proprietor,  
M/s.Mobile Link,  
Nambi Trade Centre,  
No.8, Narasingapuram Street,  
1<sup>st</sup> Floor, Ritchi Street,  
Chennai 600 002.

... Plaintiff

Vs.

Indus Mobile Distribution Private Limited,  
A Private Limited Company,  
Incorporated under the Companies Act, 1956,  
Registered Office at  
281, TTK Road, Alwarpet,  
Chennai 600 018, Tamil Nadu,  
represented by its Managing Director,  
Durai Sathish Babu

... Defendant

Plaint filed under Order IV Rule 1 of the O.S. Rules read with Order VII Rule I of Civil Procedure Code, 1908 and Section 2(1)(1), Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015.

For Plaintiff : Mr.D.Peruman Saranyan

For Defendant : Ms.V.Aishwarya,  
for R & P Partners

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

This Civil Suit has been filed by the Plaintiff seeking for the following reliefs:

(i) To pay the Plaintiff, a sum of Rs.1,00,38,244/- (Rupees One Crore and Thirty Eight Lakhs and Two Hundred and Forty Four only) together with 24% per annum on the principal amount of Rs.53,99,032/- from the date of plaint till the date of realization of the amount;

(ii) To pay the plaintiff the costs of the suit.

2. Today, when the matter is taken up for hearing, learned counsel for the parties submitted that the matter has been settled before the Mediation and Conciliation Centre attached to this Court, by way of a Settlement Agreement dated 27.03.2019 vide Mediation File No.295/2019. However, learned counsel appearing for the Defendant, producing a copy of the order dated 28.03.2019 passed by the National Company Law Tribunal, Chennai vide CP/763/IB/2018, submitted that in terms of Section 9 of the Insolvency & Bankruptcy Code 2016, the said order may not be applicable to the facts of this case, as even prior to the passing of the said Moratorium order, the parties have arrived at a settlement on 27.03.2019.

3. Recording the submissions made by the learned counsel for the Defendant, this Civil Suit is decreed in terms of the Settlement Agreement dated 27.03.2019 entered into between the parties before the Mediation and Conciliation Centre attached to this Court. The Settlement Agreement dated 27.03.2019 shall form part of the Decree. No costs. Refund of Full Court Fee to the Plaintiff, as permissible under Rules, is ordered.

08.04.2019

Index : Yes/No  
Speaking Order : Yes/No

(aeb)



WEB COPY

S.VAIDYANATHAN,J.

(aeb)



C.S.No.719 of 2018

WEB COPY 08.04.2019