

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

A.No.1838 of 2020
in O.P.No.800 of 2019
and A.No.1837 of 2020
in A.No.7696 of 2019

E.Mohammed Misraan
 Sole Proprietor
 Jerry's Security Services
 220, Sakthi Nagar,
 Tenkasi,
 Tirunelveli District 627 811.

... Applicant
 in both applications

Vs.

RRB Energy Limited
 Rep.by
 The Head Operations,
 GA-1/B-1 Extension,
 Mohan Cooperative Industrial Estate,
 Mathura Road, New Delhi 110 044.

... Respondent
 in both applications

PRAYER: Application filed under Order XIV Rule 8 of Original Side Rules r/w order 18 Rule 17 CPC praying to reopen O.P.No.800 of 2019 and A.No.7696 of 2019.

For Applicant : M/s. Avinash Wadwani
 in both applications

For Respondent : Mr.K.R.Harin
 in both applications

ORDER

Though this original petition and application have been disposed of in terms of Memorandum of Understanding, as the respondent has not complied with the conditions agreed specifically stated in the memorandum this application has been filed. It is relevant to note that this Court by order dated 21.01.2020 has recorded as follows:-

"6. In the light of the covenants in said MOU, both learned counsel make a request that if there is any default, it should be left open to parties to reopen instant OP as well as A.No.7696 of 2019 in terms of said MOU which shall form part of this order."

2. Pursuant to the specific clause found in the memorandum, wherein the respondent has agreed that in the event of failure to pay the 1st instalment on or before 31.01.2020 or as per this MOU, this MOU shall stand automatically withdrawn and cancelled. The second party shall have the liberty to proceed with the legal actions against RRBEL for the recovery of their respective original claims.

3. Though it appears that some of the amounts are yet to be paid as agreed in the MOU the entire amount has not been paid. Therefore clause 5 gives right to revive the application. In such view of the matter, this gives right to revive the application and accordingly these applications are ordered.

4. Post on 14.09.2020.

02.09.2020

N. SATHISH KUMAR, J.

dpq



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