

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

A.S.No.158 of 2017

Rana Sugars Limited,
(A Joint Venture of Punjab Agro
Industries Corporation Limited)
represented by its
Managing Director,
Village Buttar Seviyan,
P.O. Sathiala 143 205.
Tehsil Baba Bakala,
District Amritsar,
State of Punjab. ... Appellant/Defendant

Vs.

M/s.Bharat Heavy Electricals Limited,
Bioler Auxiliaries Plant,
Indira Gandhi Industrial Complex,
Ranipet - 632 406.
Having its registered office at
BHEL House, Siri Fort,
New Delhi.
by its General Manager (in-charge) .. Respondent/Plaintiff

Prayer: First Appeal filed under Section 96 r/w Order 41 Rule 1
of the Code of Civil Procedure, 1908, against the judgment and
decree dated 29.11.2016 passed in O.S.No.2 of 2012 on the file
of II Additional District and Sessions Court, Vellore at
Ranipet.

For Appellant : Mr.V.Lakshmi Narayanan

For Respondent : Ms.P.Veena Suresh

JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J]

[Heard through Video Conference]

This appeal arises against the judgment and decree dated 29.11.2016 passed in O.S.No.2 of 2012 on the file of II Additional District and Sessions Court, Vellore at Ranipet.

2. Heard learned counsel for appellant and learned counsel for respondent.

3. Learned counsel for appellant submits that the matter has been settled between the parties and a Memorandum of Compromise dated 18.07.2020, signed by both parties as well as their respective counsel, has also been filed. Learned counsel seeks permission of this Court to withdraw the present appeal as the matter has been settled between the parties.

4. The Memorandum of Compromise dated 18.07.2020, signed by both parties as well as their respective counsel, reads as follows:

' MEMORANDUM OF COMPROMISE

(Under Section 89 read with Order 23 Rule 1 of the Code of Civil Procedure, 1908)

The parties above named state as follows :-

That appeal arises out of the judgment and decree in O.S.2 of 2012 dated 29.11.2016 on the file of the II Additional District and Sessions Court, Vellore at Ranipet filed by the respondent herein for recovery of Rs.1,03,81,251.00.

That the appellant had filed an application for stay of execution of the decree in C.M.P.25562/2019 and the matter was listed before this Hon'ble Court on 6th of February, 2020. That this Hon'ble Court was pleased to dispose off the stay petition imposing a condition on the appellant and also granting 6 weeks' time for the parties to settle the issue in the appeal or to proceed with the appeal,

And whereas, pursuant to the suggestion made by this Hon'ble Court, the representatives of the appellant and the respondent, namely, Mr.S.Sridhar, Sr.DGM (HR - Law and CPIO), BHEL and Mr.Sanjeev Sharma, Deputy Manager (legal), met and have amicably settled the matter on 04.02.2020, this deed of compromise witnesseth as follows:-

1. That the appellant shall pay the respondent a sum of Rs.95,00,000.00 (Rupees Ninety Five Lakhs only) as full and final settlement of all disputes arising

between the parties.

2. That the appellant paid a sum of Rs.10,00,000.00 (Rupees Ten Lakhs only) by way of two cheques for Rs.5,00,000.00 (Rupees Five Lakhs only) each dated 10.02.2020 and 20.02.2020 drawn on UCO bank, Chandigarh.
3. That on realisation of these cheques, the respondent has withdrawn E.P.50 of 2019 filed before the I Additional District Court @ Ranipet,
4. That the appellant has paid the respondent a sum of Rs.38,00,000.00 (Rupees Thirty Eight Lakhs only) so far, leaving an amount of Rs.57 Lakhs,
5. That the appellant has handed over cheques for the remaining amounts and has assured the respondent that it will honour the same when presented on its due dates and in default, it has been agreed that the respondent has every right to proceed further in accordance with law,
6. That in terms of the settlement arrived at as per MOU dated 04.02.2020 and evidenced by clauses 1 to 5 herein, the appellant seeks permission to withdraw this appeal,
7. That as the matter has been settled in terms of Section 89, the appellant seeks leave of this Hon'ble Court to direct refund of court fees, for which the respondent has no objection.'

5. Recording the Memorandum of Compromise dated 18.07.2020, the present appeal is dismissed as withdrawn. No costs.

Registry is directed to refund the Court fee as per rules.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The II Additional District and Sessions judge,
Vellore at Ranipet.

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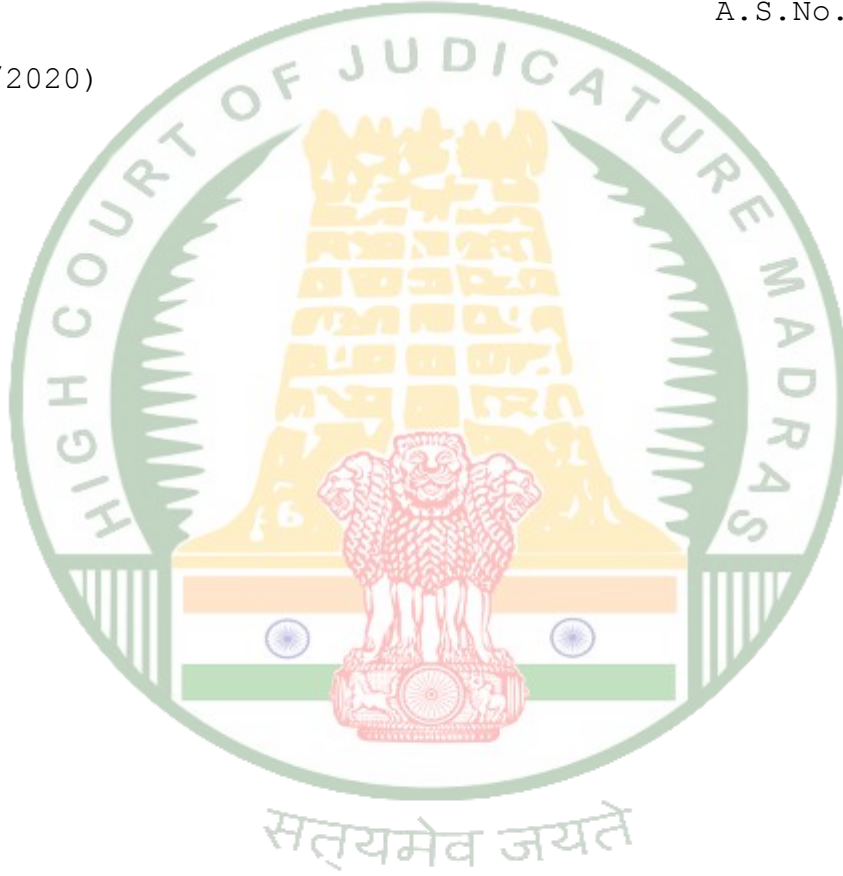
2.The Section Officer,
V.R. Section, High Court, Madras-104.

Copy to
The Sub Assistant Registrar,
A.E. Section, High court, Madras.

+1 cc to M/s.P.Veena Suresh, Advocate Sr.No. 26831
+1 cc to M/s.V.Raghavachari, Advocate Sr.No. 27119

A.S.No.158 of 2017

KK (CO)
RMP (29/09/2020)



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