

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

OSA.No.446/2018 & CMP.No.21821/2018

1.M/s.Ganapathi Funds  
Partnership Firm,  
rep.by its Managing Director

2.J.S.Srinivasan  
Managing Partner,  
M/s.Ganapathi Funds.

3.Jayaraman Srinivasan  
Managing Partner,  
M/s.Ganapathi Funds.

All having office at No.25/296  
Paper Mills Road, 1<sup>st</sup> Floor, Perambur  
Chennai 600 011.

..

Appellants

Vs.

1.M/s.Rajarathnam Constructions [P] Ltd.  
Rep.by its Managing Director, A.Rathinam  
No.20, Anderson Road, Ayanavaram  
Chennai-23.

2.Vichoor Sundaram Jayaraman  
Managing Partner,  
M/s.Ganapathi Funds.

3.Thiyagarajan Nataraja  
Managing Partner,  
M/s.Ganapathi Funds.

4.Natarajan Sridhar  
Managing Partner,  
M/s.Ganapathi Funds.

All having office at No.25/296  
Paper Mills Road, 1<sup>st</sup> Floor, Perambur  
Chennai 600 011.

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Respondents

**Prayer:** Original Side Appeal filed under Section 13[1] of the Commercial Court Act, Order XXXVI Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent against the fair and decretal order in A.No.4805/2018 in CS.No.926/2017 dated 10/09/2018.

For Appellants : Mr.K.N.Nataraja

For R1 : Mr.P.Chandrasekar

सत्यमेव जयते  
**JUDGMENT**

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J]

After some arguments, the learned counsel for the appellants/defendants, on instructions, seeks the permission of this Court to withdraw this appeal with a liberty to put forth all the defence in the main suit and work out his remedy in accordance with law. He has also made an endorsement in the appeal to that effect.

**2** The Court heard the submissions of Mr.P.Chandrasekar, learned counsel appearing for the 1<sup>st</sup> respondent/Caveator

**3** In the light of the submission and endorsement made by the learned counsel for the appellants, this Original Side Appeal is dismissed as withdrawn and if the appellants are so advised and if it is open to them under law, they are always at liberty to raise their defence and work out their remedy in accordance with law. No costs. Consequently, the connected miscellaneous petition is also dismissed.

[M.S.N., J.] [P.R.M., J.]

06.12.2018

Internet : Yes

AP

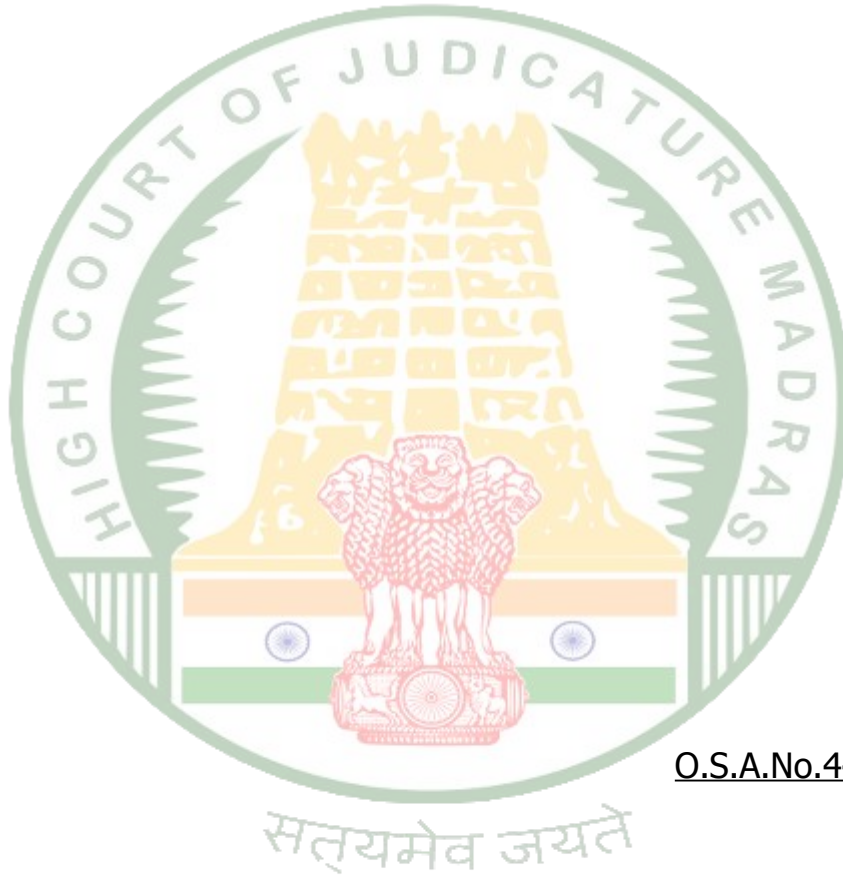
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M.SATHYANARAYANAN, J.,

and

P. RAJAMANICKAM, J.

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O.S.A.No.446/2018

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