



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

O.S.A.Nos.357 to 359 of 2018
and
C.M.P.Nos.15423 to 15425 of 2018

Mr.Munish Kumar ... Petitioner in all OSAs
Vs

Tractor and Farm Equipment Limited
No.77, Nungambakkam High Road,
Chennai-600 034.
Rep. by its Authorised Signatory
Mr.R.Jayaraman

... Respondent in all OSAs

PRAYER in O.S.A No.357 of 2018 : Appeal filed under Order 36 Rule 9 of Original Side Rules read with 15 of Letter Patent Act, to set aside the order dated 18.04.2018 passed in A.No.6415/17 in C.S.No.557 of 2016.

a) Declaring that the appointment order dated.28.01.2004, confidentiality undertaking dated.01.12.2014 and the two letters of undertaking dated.08.08.2016, executed by the Defendant are valid, subsisting and binding on the defendant.

b) Consequently, grant a permanent injunction restraining the defendant from acting in contravention of the terms of the Appointment order dated.28.01.2004, confidentiality Undertaking dated.01.12.2014 and the two letters of Undertaking dated.08.08.2016.

PRAYER in O.S.A No.358 of 2018 : Appeal filed under Order 36 Rule 9 of Original Side Rules read with 15 of Letter Patent Act, to set aside the order dated 18.04.2018 passed in O.A.No.676 of 2016 in C.S.No.557 of 2016.

PRAYER in O.S.A No.359 of 2018 : Appeal filed under Order 36 Rule 9 of Original Side Rules read with 15 of Letter Patent Act, to set aside the order dated 18.04.2018 passed in O.A.No.675 of 2016 in C.S.No.557 of 2016.

For Petitioner : Mr.R.MadhanaGopal

For Respondent : Mr.Krishnan Srinivasan for
M/s.S.Ramasubramaniam &Associates



C O M M O N O R D E R
(Order of the Court was passed by N.KIRUBAKARAN, J)

The appeals have been filed to set aside the common order dated 18.04.2018 passed in A.No.6415 of 2017 and O.A.Nos.675 & 676 of 2016 in C.S.No.557 of 2016.

2. The respondent herein has filed a suit in C.S.No.557 of 2016, for declaring that the appointment order dated 28.01.2004, Confidentiality Undertaking dated 01.12.2014 and the two Letters of Undertaking dated 08.08.2016 executed by the defendant are valid, subsisting and binding on the defendant and consequently, to grant a permanent injunction, restraining the defendant from acting in contravention to the terms of the appointment order dated 28.01.2004, confidentiality undertaking dated 01.12.2014 and the two letters of undertaking dated 08.08.2016.

3. In the said suit, applications have been taken out by the respondent in A.No.6415 of 2017, seeking rejection of plaint in C.S.No.557 of 2016 and O.A.Nos.675 & 676 of 2016 seeking interim injunction restraining the defendant from using, disclosing, passing on, releasing any information, related to the any and all aspects of the applicant and the affairs of the applicant, its customers, products, vendors, suppliers, including drawings, quotations, specifications, commercial strategies, marketing strategies, prices of the Applicant's products, technical classifications, and all manufacturing, sales and commercial information in compliance with the Appointment order dated 28.01.2014, confidentiality undertaking dt.01.12.2014 and the two letters of undertaking dt.08.08.2016, pending disposal of the suit.

4. After hearing both parties the learned Single Judge made the interim injunction absolute and dismissed the vacate interim injunction petition and also dismissed the application for rejecting the plaint, against the dismissal of those applications only the present appeals have been filed.

5. When the matter was called on 23.04.2021, this Court suggested both the parties to settle the matter. The respondent offered to pay a sum of Rs.25,00,000/- and the appellant sought for Rs.35,00,000/- and at the intervention of this Court, both the parties agreed for Rs.30,00,000/- payable by the respondent as full and final settlement and the appellant agreed to receive the same within a period of two weeks from the date of receipt of a copy of this order.

6. The appellant had already filed a suit before the Delhi High Court in CSDJ/ADJ/660/2019, before the Additional District Judge, Dwarka Courts, New Delhi, seeking compensation against the respondent to a tune of Rs.30,00,000/-. This statement will also cover the said Suit and the appellant



shall withdraw the said suit.

7. Mr.Krishna Srinivasan, learned counsel for Mr.S.Ramasubramani & Associates learned counsel appearing for the respondent would submit that the appellant is agreed to receive a sum of Rs.30,00,000/- within a period of two weeks from the date of uploading of this order in the website. The learned counsel appearing on behalf of the appellant undertakes to withdraw the suit filed before the Additional District Judge, Dwarka Courts, New Delhi, after summer vacation.

8. In view of the above settlement, it is made clear that both the parties have no claim against each other. Accordingly, the Appeals are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

rri

To

1. The Sub-Assistant Registrar,
Original Side,
High Court, Madras
2. The Additional District Judge,
Dwarka Courts, New Delhi.

O.S.A.Nos.357 to 359 of 2018
and
C.M.P.Nos.15423 to 15425 of 2018

SSN (CO)
K.RK. (29.07.2021)