



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY THE 19th DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

C.S. No.340 of 2019

and

A. No.3641 of 2019

C.S. No.340 of 2019:-

M/s.Data Patterns India Pvt. Ltd.,
rep. by its Authorised Signatory, Mr.V.N.Ramesh,
Block-3, First Floor, ETA Techno Park,
No.33, Rajiv Gandhi Salai (OMR Road),
Navalur, Chennai-600 130.

... Plaintiff

-Versus-

ALBACOM Ltd., UK
George Buckman Drive,
Dundee-DD2 3SP, United Kingdom.

... Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and decree:-

a) directing the defendant to pay a sum of Rs.1,72,29,403.62 (GBP
1,87,380) (Rupees one crore seventy two lakhs twenty nine thousand four
hundred and three and paise sixty two only) along with interest at the rate of
24% per annum to the plaintiff on Rs.1,11,15,702 from 12.05.2019 till the



date of realization;

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b) direct the defendant to pay the costs of the suit to the plaintiffs.

A. No.3641 of 2019:-

M/s.Data Patterns India Pvt. Ltd.,
rep. by its Authorised Signatory, Mr.V.N.Ramesh,
Block-3, First Floor, ETA Techno Park,
No.33, Rajiv Gandhi Salai (OMR Road),
Navalur, Chennai-600 130.

... Applicant/Plaintiff

-Versus-

1. ALBACOM Ltd., UK
George Buckman Drive,
Dundee-DD2 3SP, United Kingdom. ... 1st Respondent/Defendant
2. Bharat Electronics Limited,
Plot No.405, Industrial Area,
Phase-3, Panchkula-134 113.
3. Central Scientific Instruments Organization,
30-c, Chandigarh.
4. Hindustan Aeronautics Limited (HAL),
POL Korwa, Amethi, 227-412,
Sultanpur, India.
5. Electronics Corporation of India,
PO, ECIL, Hyderabad-500 062. ... Respondents 2 to 5/Garnishees

Application praying that this Hon'ble Court be pleased to grant an
prohibitory order prohibiting the respondents 2 to 5/garnishees including



their partners, proprietors, officers, servants, agents, their representatives, franchisees and nominees and any other person whosoever from paying any amount to the 1st respondent/defendant for any purpose whatsoever pending disposal of the main suit.

This civil suit along with this application coming on this day before this court for hearing through video conferencing in the presence of Mr.Vaibhav R.Venkatesh, advocate for the plaintiff in C.S. No.340 of 2019 and for the applicant in A. No.3641 of 2019 and Mr.Vinod Kumar, advocate for the defendant in C.S. No.340 of 2019 and for the 1st respondent in A. No.3641 of 2019 and upon reading the plaint and the joint memorandum of compromise dated 19.04.2021 and the order dated 23.09.2019 made in A. No.3641 of 2019, and the said joint memorandum of compromise signed by the respective advocates of the parties and the said advocates for the parties hereto praying this court to pass a decree in terms of the joint memorandum of compromise morefully setout in the schedule hereunder,

it is interms ordered and decreed as follows:-

That the parties hereto, have agreed to settle the disputes on the following terms:-



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- a) The defendant herein without admitting any liability, shall pay to the plaintiff a sum of £80,000 GBP within 10 working days of signing the settlement agreement;
- b) That the defendant herein shall ship to the plaintiff, the material utilised for manufacture of Ku-Band Rugged Microwave Power Module in its current format, HPA-14-150 CW KU-BAND RUGGED MICROWAVE POWER MODULE Quantity 03 Nos. Serial Nos.P001, P002 & P003 (Albacom P/N 41/38401-A Data Patterns P/N DP-RMPM-8007-600) within one month of signing the joint memo of compromise and the product bill of material & product images that are to be delivered by defendant to the plaintiff is as per Annexure F.

2. That the defendant herein having agreed and confirmed, shall make payment and ship the material as agreed between the parties.

3. That both the plaintiff and the defendant herein, have jointly agreed that they give up all claims, contentions, rights and remedies before all forums and all jurisdictions across the world, against each other with regard to the present dispute, once the terms of the present joint memo of compromise is complied with in its entirety.



4. That both the plaintiff and the defendant herein, have jointly agreed that there are no subsisting grievances and all the disputes between them stand fully and finally settled between them.

5. That both the plaintiff and the defendant herein, have jointly agreed that there are no substantial third party rights involved in the settlement of the ongoing disputes between the parties as the present lis is a private list between the plaintiff and the defendant only.

6. That the A. No.3641 of 2019 do stand closed.

7. That there shall be no costs of this suit.

SCHEDULE

JOINT MEMORANDUM OF COMPROMISE



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KLY-23/06/2021

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C.S. No.340 of 2019
and
A. No.3641 of 2019

DECREE

DATED : 19.04.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL:24.06.2021

APPROVED ON: 11.02.2022

**THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**C.S.No.340 of 2019**
and A.No.3641 of 2019

M/s.Data Patterns India Pvt. Ltd
Represented by its Authorized Signatory
Mr.V.N.Ramesh
Block-3, First Floor, ETA Techno Park,
No.33, Rajiv Gandhi Salai (OMR Road),
Navalur, Chennai – 600 130

... Plaintiff

Versus

Albacom Ltd, UK
George Buckman Drive,
Dundee – DD2 3SP, United Kingdom

... Defendant

PRAYER : Complaint filed under Order IV Rule 1 of OS Side Rules R/W Order VII Rule 1 of the Civil Procedure Code to pass Judgment and Decree directing the defendant to pay a sum of Rs.1,72,29,403.62/- (GBP 1,87,380) (Rupees One Crore Seventy two lakhs twenty nine thousand four hundred three and sixty two paise) along with interest at the rate of 24% per annum to the plaintiff Rs.1,11,15,702/- on 12.05.2019 till the date of realization and direct the defendant to pay the costs of the suit to the plaintiff.



For Plaintiff : Mr. Vaibhav R Venkatesh
For Defendant : Mr. Vinodkumar

ORDER

This Civil suit has been filed to direct the defendant to pay a sum of Rs.1,72,29,403.62/- (GBP 1,87,380) (Rupees One Crore Seventy two lakhs twenty nine thousand four hundred three and sixty two paisa) along with interest at the rate of 24% per annum to the plaintiff Rs.1,11,15,702/- on 12.05.2019 till the date of realization and direct the defendant to pay the costs of the suit to the plaintiff.

2. Heard the learned counsel for the plaintiff and the learned counsel for the defendant. Mr.V.N.Ramesh who is arrayed as plaintiff and Mr.Jim Davidson representing the defendant company M/s.Albavom Ltd, UK are appeared as party-in-person through video conferencing.

3. The Joint Memo of Compromise filed by the plaintiff and the defendant is presented before this Court and identified by the counsel on record through Video Conferencing. The defendant, Jim Davidson



appeared through virtual hearing from Scotland and was identified by the learned counsel Mr. Vinodkumar. As the parties are from the different area, a specific request has been made before this Court that signing of Joint Memo of Compromise can be done by the learned counsel for both sides in advance.

4. Both parties appeared through video conferencing also confirmed that they have entered into a compromise and also admitted the contents there on.

5. Having regard to the fact that the parties appeared through video conferencing far away from this Country and having agreed for compromise and admitted the contents there on and they also submitted that they nominated their counsels to sign their Joint Memo of Compromise, the said Joint Memo of Compromise is taken on record.

6. Accordingly, the civil suit is disposed of in terms of Joint Memo of Compromise entered between the parties and the Joint Memo of Compromise shall form part and parcel of the decree and judgment.



Consequently, connected application is closed. No costs.

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7. Registry is directed to refund the Court fee in accordance with law.

Sd./- N.S.K.J.,
19/04/2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.