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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

S.A.No.734 of 2017
and CMP No.21826 of 2018

P.V.R.S.Manikumar,
Proprietor,
M/s.Vinyl General Industries,
S/o.late P.Apparao,
No.6, Jamalia Nagar,
Perambur High Road,
Chennai - 600 012.

... Appellant/Defendant

Vs.

1. M/s.Balan Bio Sciences Pvt. Ltd.,
Rep. by its Director,
Mrs.Usha Nandakumar,
No.301, Padmavathy Apartments,
Sadat Manzil, Ameerpet,
Hyderabad.

2. Usha Nandakumar

... Respondents/Plaintiffs

PRAYER: The Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 25.11.2016 made in A.S.No.154 of 2016 on the file of the learned XVIII Additional City Civil Court, Chennai, confirming the Judgment and decree in O.S.No.3988 of 2012 on the file of the learned XIII Assistant Judge, City Civil Court, Chennai, dated 27.06.2014.

For Appellants : Mr.Manoj Sreevalsan
For Respondents : Ms.Rathina Asohan

J U D G M E N T

Aggrieved over the concurrent findings of the Courts below, decreeing the suit filed by the plaintiff, the defendant has preferred the present Second Appeal.



2. The learned counsel for the appellant has filed an affidavit of undertaking, dated 27.10.2021 before this Court wherein it has been stated that as agreed by the respondents, the appellant is willing to pay a sum of Rs.4,69,857/- within a period of three months. However, the time sought for by the appellant is objected by the respondents.

3. The learned counsel for the respondents submitted that the cost of the suit should also be paid to the tune of Rs.55,000/- along with the suit amount.

4. Considering the submission made by both sides as well as the affidavit of undertaking, this Court directs the appellant to pay a sum of Rs.5,00,000/- (Rupees five lakhs only) towards the suit amount along with cost within a period of 60 days from today i.e., 28.10.2021, failing which, the respondents are entitled to proceed with the Execution Petition which is already been pending before the learned XXVIII Additional Judge, City Civil Court, Chennai in EP.No.2018 of 2017 for the principle and interest as claimed.

5. Accordingly, the Second Appeal is ordered in terms of settlement out of Court. Since the issue settled out of court, Registry is directed to refund the Court fee paid under Section 69 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The XVIII Additional Judge,
The XVIII Additional City Civil Court,
Chennai.
2. The XIII Assistant Judge,
City Civil Court, Chennai



3. The Section Officer,
VR Section,
Madras High Court,
Chennai.

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+1CC to Mr.Manoj Sreevalsan, Advocate, Sr.No.55947

+1CC to Ms.Rathina Asohan, Advocate, Sr.No.56043

S.A.No.734 of 2017 and
CMP No.21826 of 2018

EV (CO)
K.RK. (17.11.2021)