

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No.473 of 2017

and

A.No.1044 of 2018

M/s.Kamachi Industries Ltd.,
Formerly known as
M/s.Kamachi Sponge & Power Corporation Ltd.,
Rep., by its Office Executive-Legal,
Mr.P.Baskaran,
No.39, ABC Trade Centre III Floor,
Inside Devi Theatre Complex,
Anna Salai, Chennai – 600 002.

.. Plaintiff

/versus/

M/s.Simplex Infrastructures Limited,
New No.48, Old No.21,
Casa Major Road, Egmore,
Chennai – 600 008.

.. Defendant

This Civil Suit is filed under Order XXXVII Rule 2 of C.P.C, 1908, read with Order VII Rule 1 of the High Court Rules, prayed for a judgment and decree against the Defendant for:-

a).the sum of Rs.1,16,23,105/- together with interest at the rate of 24% per annum on Rs.1,09,92,209/- from the date of filing the plaint till the date of payment and/or realisation;

b).the cost of the suit; and

For Plaintiff : Mr.K.Mahalingam

For Defendant : Ms.G.Annapoorani

JUDGMENT

The learned counsel for the Plaintiff is present through physical hearing and the learned counsel for the Defendant appeared through video conferencing.

2.It is stated that as against the order of this Court in A.No.4534 of 2017 in C.S.No.473 of 2017 dated 06.06.2018, the Defendant had filed the Original Side Appeal and pending the appeal, the parties had though it fit to enter into a settlement. The learned counsel for the Plaintiff therefore stated that he may be permitted to withdraw the suit as settled out of Court. The learned counsel for the Plaintiff also made the following endorsement in the plaint.

“This suit claims has been settled out of Court during the pendency of OSA and hence this suit may be dispersed settled out of Court and Court fee may be refunded to the Plaintiff.”

3.In view of the same, the suit is dismissed as settled out of Court. No costs. Consequently, the connected application is closed.

4.The Plaintiff is entitled for refund of Court fees and the Registry may refund the Court fees in accordance with the rules, to the Plaintiff, on proper acknowledgment and undertaking.

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10.02.2021

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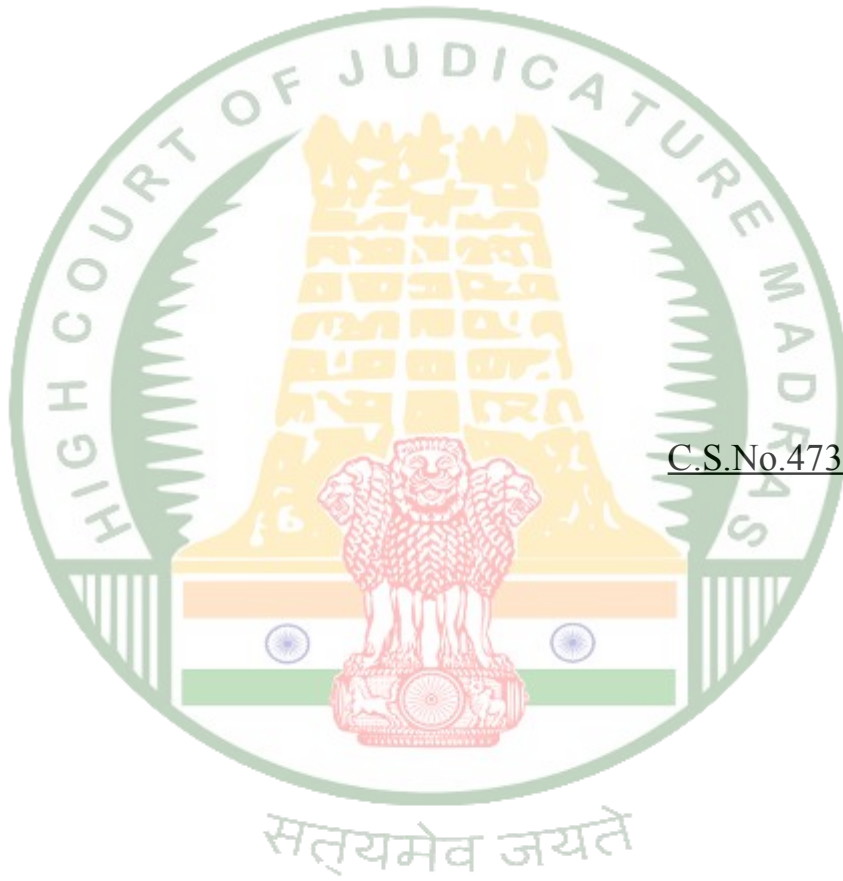
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