



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.60 of 2015

in M.P.(MD)No.1 of 2015

and A.S(MD)Nos.300 and 314 of 2008

and M.P.(MD)Nos.1 and 1 of 2008

WEB COPY

Bharathi Co-operative Spinning Mills Limited

Rep. By its Administrator

Post Bag No.1,

Vilathikulam road,

Ettaiyapuram 628 902.

... Appellant/Defendant
in A.S.(MD)No.60/2015

Vs.

M/s.Manavat Traders

Rep. By its Manager cum Power of attorney

A.N.Ayyappan

Coimbatore 641 011.

... Respondent/Plaintiff
in A.S.(MD)No.60/2015

M/s.Shri Selvalakshmi Cotton Corporation

Rep. By its Partner A.N.Ayyapan

Coimbatore 641 011.

... Respondent/Plaintiff
in A.S.(MD)No.300/2008

M/s.Shri Ragavendra Traders

Rep. By its Partner R.M.Muthu

Coimbatore 641 044.

... Respondent/Plaintiff
in A.S.(MD)No.314/2008

COMMON PRAYER: Appeal Suits filed under Section 96 of Civil Procedure Code, against the judgment and decree dated 05.01.2008 made in O.S.Nos.42, 49 and 48 of 2005 respectively on the file of the Additional District Court / Fast Track Court No.2, Tuticorin.

For Appellant : Ms.K.Hemakarthiskeyan
(In all .A.Ss)

For Respondent : Mr.P.Thiagarajan
(In all A.Ss)



COMMON JUDGMENT

These Appeal Suits have been filed against the judgment and decree dated 05.01.2008 made in O.S.Nos.42, 49 and 48 of 2005, respectively on the file of the Additional District Court / Fast Track Court No.2, Tuticorin.

2. It is represented by both sides that the parties have settled their disputes among themselves and they have entered into a "Compromise Memo", dated 19.01.2021, which has been duly signed by both the parties and their respective counsel. A copy of the same has also been placed before this Court.

3. Recording the same, these Appeal suits are disposed of in terms of the Compromise Memo, dated 19.01.2021 entered into between the parties and the said Joint Compromise Memo, dated 19.01.2021, shall form part of this Judgment. No costs. Consequently, connected miscellaneous petitions are also closed.

4. It is represented by the learned counsel appearing for the appellant that this Court, on 07.11.2008, while granting stay in A.S.(MD)No.300 of 2008, directed the appellant to deposit 25% of the decree amount before the trial Court and accordingly, the appellant herein had deposited a sum of Rs.2,60,518/- (Two Lakhs Sixty Thousand Five Hundred and Eighteen only) before the trial Court. Hence, the appellant may be permitted to withdraw the said amount.

5. In view of the submissions, the appellant is permitted to withdraw the amount, which is lying in the deposit to the credit of O.S.No.49 of 2005. The Registry is directed to refund the Court fee, as per law, since the matter is settled out of Court.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.TheAdditional District Court / Fast Track Court No.2, Tuticorin.

2.The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court, Madurai(2 COPIES).

COPY TO

The Registrar (Judicial),
Madurai Bench of Madras High Court,Madurai.

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-1917[F] dated
22/01/2021)

A.S. (MD) No.60 of 2015
in M.P. (MD) No.1 of 2015
and A.S (MD) Nos.300 and 314 of 2008
and M.P. (MD) Nos.1 and 1 of 2008
20.01.2021

SGS (CO)

TR(16.02.2021) 3P 6C