



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

WEB COPY

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

A.S.NO.198 OF 2009

- 1 Hindustan Coca Cola Marketing
Company P.Ltd., rep.by its vice president,
Door no.2/1, Gangaddhara Chetty Street,
Ulsoor Town,
Bangalore-560 042.
- 2 Hindustan Coca Cola Marketing
Company P.Ltd.,
Rep. by its Deputy General Manager,
Door No.338, Dibishish, First floor,
East Wing, Avinashi Road,
Peelamedu, Coimbatore.
- 3 Hindustan Coca Cola Marketing
Company P.Ltd.,
Rep. by its Sales Manager,
Door No.338, Dibishish, First floor,
East Wing, Avinashi Road,
Peelamedu, Coimbatore.
- 4 Hindustan Coca Cola Marketing
Company P.Ltd.,
Rep. by its Sales Manager,
Door No.10/3,Trichy main road
Selanayakkanpatti, Salem Town,
Salem.

....Appellants/Defendants

vs

Latha Enterprises,
Rep.by its Proprietor K.Selvaraj,
No.7, New Agaraharam,
Fort Main Road,
Namakkal Town,
Namakkal District.

...Respondent/Plaintiff



PRAYER:

Appeal filed under Section 96 of CPC to set aside the judgment and decree dated 30.09.2005 in O.S.No.7 of 2005 on the file of the Fast Track Court, Namakkal.

For Appellants : Mr.Rahul Balaji

For Respondent : Mr.C.Jagadish

J U D G M E N T

Against the money decree passed by the trial court, this appeal has been preferred by the defendants.

2.Pending appeal, this Court has directed the appellants/defendants to deposit a sum of Rs.15,40,925/- to the credit of A.S.No.198 of 2009 as a pre-condition for granting interim stay. Accordingly, the appellants have deposited the said amount by way of banker's cheque favouring the Registrar General, High Court, Madras.

3.Mr.Rahul Balaji, learned counsel representing the appellants submits that the parties have settled the dispute amicably out of Court pending appeal and therefore, not interested in pursuing the appeal and also states that the money deposited by the appellants in the appeal account may be permitted to be withdrawn by the respondent/plaintiff and that the clients have instructed that they have no objection for such withdrawal.

4.In view of the above submissions, the compromise between the parties is recorded. As requested by the learned counsel for the respondent, the money deposited in A.S.No.198 of 2009 account along with accrued interest if any, shall be returned to Mr.K.Selvaraj, Proprietor of Latha Enterprises.

5. The Registrar General, High Court, Madras, is directed to return the money deposited along with accrued interest, if any in A.S.No.198 of 2009 account by way of demand draft drawn in favour of K.Selvaraj and hand over the demand draft to him on proper identification by his counsel.



6. The appeal suit is disposed of accordingly. Since the matter has been settled out of court, the Court fee shall be returned to the appellants as per the prevailing Rules.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vri

To

The Additional District Judge,
The Additional District Court/
The Fast Track Court,
Namakkal.

Copy To

- 1 The Registrar General,
High Court,
Madras.
- 2 The Correspondence Seat,
Current Section,
High Court,
Madras-104.
- 3 The Record Keeper,
VR Section,
High Court,
Madras.

+1cc to Mr.C.Jagadish, Advocate, S.R.No.10996

A.S.No.198 of 2009

MT (CO)
PM/17/03/2022