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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

O.S.A.No.202 of 2018

Peter Gabrial

.. Appellant/2nd Defendant

Vs.

1.M/s.Rarefield Engineers Pvt. Ltd.,
rep. by its T.M.Unnikrishnan
General Manager (Technical),
GB Bhageeratha Residency,
124, Marshalls Road, Egmore,
Chennai - 600 008.

..1st Respondent/Plaintiff

2.M/s.Ten Ocean Marine Limited,
3rd Floor, Solitaire Corporate Park,
M.Vasanji Road, Chakala,
Andheri East, Mumbai - 400 093.

3.M/s.Leo Cruise & Entertainment Private Limited,
C/3, Vanarai Nivas Co-operative
Housing Society Limited,
Caranzalem Port,
Goa - 403 002.

.. Respondents2 & 3/ Defendants 1 & 3

Prayer: Original Side Appeal filed under Order XXXVI Rule 1 of O.S. Rules r/w Clause 15 of the Letters Patent against the judgment and decree of this Court dated 28.07.2017 made in the exercise of ordinary Original Civil Jurisdiction in C.S. No.1002 of 2007.

Decree:This Appeal coming on for hearing on this day in the presence of Mr.K.Harishankar,Advocate for the Appellant herein/2nd Defendant and of Mr.T.V.Badrinarayanan, Advocate for 1st Respondent herein/Plaintiff and the parties herein having entered into a compromise between themselves and having filed into this Court a Joint Memorandum duly signed by the Appellant herein/2nd Defendant and the 1st Respondent herein/Plaintiff and by their respective Counsel upon perusing the Grounds of Appeal and the material papers in the case and the Joint Memorandum, this Court while recording the Joint Memorandum, the Original of which is annexed herewith, this



Court while disposing of this Appeal in terms of Joint Memorandum of Compromise dated 16.09.2020 and in supersession of the decree of the Tribunal, doth order and decree as follows:

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i) that against the Total Claim of Rs.3,31,47,093/- (Three Crores Thirty One Lakhs Forty Seven Thousand and Ninety Three only) as on date of this compromise, 1st respondent agrees to receive a sum of INR 57,00,000/- (Rupees Fifty Seven Lakhs only) and discharge the appellant alone from the entire liability towards the payment of the said amount under the above said decree and judgment.

ii) that the said amount of Rs.57,00,000/- has been paid by the appellant to the first respondent by way of demand draft dated 11.09.2018 No.532523 drawn on Deutsche Bank, Nungambakkam, Chennai amounting to Rs.25,00,000/- in terms of the direction of the Hon'ble Court by order dated 23.07.2018 and demand draft dated 16.09.2020 No.559988 drawn on Deutsche Bank, Nungambakkam, Chennai amount to Rs.32,00,000/-.

iii) that the first respondent hereby acknowledges the receipt of the entire compromise amount of Rs.57,00,000/- in full and final settlement of the entire liability of the appellant under the decree and judgment in C.S. No.1002 of 2007 dated 28.07.2017.

iv) that the first respondent hereby acknowledges full satisfaction of the decree as against the appellant and no further amount is due from the appellant in terms of the decree dated 28.07.2017.

v) that by way of abundant caution it is hereby recorded that the above discharge of the appellant is without prejudice to only the right of the first respondent as against the respondents 2 and 3 herein, Provided always that the first respondent shall not in anyway whether directly or indirectly make any claim against the appellant in connection with or in respect of or in relation to the aforesaid right of the first respondent against the respondents 2 and 3.

vi) that the Appellant vide authorisation Letter dated March 10, 2020 has authorised Ms.Niranjani to negotiate, accept and sign this final settlement.

vii) that there be no Costs in this Original Side Appeal.
(*Herein enclosed the xerox copy of Joint Memorandum Compromise)

Sd/-

Assistant Registrar(CCC)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



vga

To,
The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+2 ccs to Mr.R.Harishankar, Advocate Sr.NO. 11894

DATED:21.02.2022

DECREE

O.S.A.No.202 of 2018

Disposing of the Appeal
interms of Joint Memorandum
preferred against the judgment
and decree of this Court dated
28.07.2017 and made in
C.S.NO.1002 of 2007 etc as stated
within.

sv (CO)
A.SK(10/06/2022)