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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 1ST DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.597 of 2017

M/s.Nippon Enterprises South
A partnership firm, rep.by its Managing
Partner Mr.J.P.Acharya, Sterling Silver,
No.24 &25, Sivaganga Road,
Off Sterling Road,
Chennai- 600 034

..Plaintiff

vs

Indian Bank,
Represented by its
Asst General Manager,
Adyar Branch,
No.91, 1st Main Road,
Gandhi Nagar,
Adyar, Chennai - 600 020

..Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and decree against the defendant :

a)to direct the defendant to pay the plaintiff a sum of Rs.4,78,11,654/-
towards damages suffered by the Plaintiff as a direct consequence of the
Defendant's acts and omissions, together with interest thereon @ 24% per
annum on 4,78,11,654/- from this date till the date of realization thereof;

b)direct the defendant to pay the costs.



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This civil suit coming on this day before this Court for hearing in the presence of Mr.Gowtam S.Raman, for M/s.Seethapathy, Advocate for the plaintiff herein and Mr.Jeyesh Dolia for M/s.Aiyar & Dolia, Advocates for the defendant herein and upon reading the plaint filed herein and the learned counsel appearing for the plaintiff seeks permission of this Court to withdraw the Civil Suit and has also filed a memo dated 14.03.2022 to that effect, and this court doth recording the said memo, and

It is ordered as follows:-

That the suit in C.S.No.597 of 2017 be and is hereby dismissed as settled out of court.

2.That a certificate under section 69 of Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Amendment Act) do issue herein, out of and under the seal of this court in favour of M/s.Nippon Enterprises South, A Partnership Firm, Represented by its Managing Partner Mr.J.P.Acharya, the plaintiff herein, authorising him, to receive from the Pay and Accounts Office,High Court Chennai, for a sum of Rs.4,81,650/- (Rupees Four Lakhs Eighty One Thousand Six Hundred and Fifty only) being the entire court fee paid on the plaint by the plaintiff herein.



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3. That there shall be no order as to costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 1ST DAY OF APRIL 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of
the Orders/Judgments/Decrees in this format.



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C.S.No.597 of 2017

ORDER

DATED : 01.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 11.04.2022

APPROVED ON : 13.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No. 597 of 2017 (A)

M/s. Nippon Enterprises South,
A Partnership Firm,
Represented by its Managing Partner,
Mr.J.P. Acharya, Sterling Silver

..Plaintiff

Versus

Indian Bank
Represented by its
Assistant General Manager

..Defendant

Plaint under Order VII Rule 1 of the Code of Civil Procedure read with Order IV Rule 1 of the Madras High Court Original Side Rules, praying judgment and decree, to direct the defendant to pay the plaintiff a sum of Rs.4,78,11,654/- towards damages suffered by the plaintiff as a direct consequences of the defendant's acts and omissions, together with interest thereon @ 24% per annum from the date of plaint till the date of realization thereof and for costs.

For Plaintiff : Mr.Gowtam S. Raman
For M/s. Seethapathy

For Defendant : Mr.Aiyar and Dolia

JUDGEMENT

The learned counsel appearing for the plaintiff seeks permission



of this Court to withdraw the Civil Suit and has also filed a memo dated 14.03.2022 to that effect, which reads as follows:-

"1. The plaintiff submits that the above C.S.No.597 of 2017 was filed praying for damages against the defendant.

2. It is submitted that as instructed by the plaintiff through his email dated 03.03.2022 that the matter has been settled out of Court between the parties, the above suit may be dismissed as 'Settled Out of Court' and kindly order to refund the Court fee paid on the plaint and issue the cheque in the name of the plaintiff".

2. Recording the aforesaid memo dated 14.03.2022 filed by the learned counsel appearing for the plaintiff, this Civil Suit is dismissed as "Settled out of Court". No costs.

3. Registry is directed to refund the Court Fee paid by the plaintiff in the civil suit in accordance with the provisions of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

Sd/-V.B.S.J.
01.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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