

OCD-1

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

CS 15 OF 2022
IN THE MATTER OF:
M/S. EDGE LOGISTICS AND ORS.
VS
EXIDE INDUSTRIES LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 23rd August, 2023.

Appearance:
Ms. Suparna Mukherjee, Adv.
Ms. Smita Mukherjee, Adv.
For plaintiffs
Ms. Shrayashee Das, Adv.
For defendant

The Court : In terms of the order dated 8th August, 2023 notices were sent to the plaintiff Nos. 1, 2 & 3 by the department which, as per the report submitted by the department, has been received by the plaintiffs on 14th August, 2023. The purpose of giving such notices was to ascertain as to whether the settlement before the learned mediator, as submitted by the defendant, has been acted upon or not as the learned advocates for the plaintiffs were not given any intimation and/or instruction as to the receipt of the settlement amount by the plaintiffs in accordance with the terms of settlement as submitted by the defendant. Despite best endeavour, the plaintiffs have remained absent. No intimation has also been given to the learned advocates for the plaintiffs.

Neither the learned advocate-on-record nor the counsel for the plaintiffs

was allowed to appear in the mediation proceedings so as to defendant's advocate. Learned advocate-on-record for the plaintiffs, therefore, is not aware about the outcome of the mediation proceedings. It is unfortunate that the plaintiffs after participating in the mediation and receiving the money as per the settlement before the mediation did not have the minimum responsibility to inform their advocates or to the Court about the same.

In the aforesaid facts and circumstances, after hearing the advocates for the parties and considering the final report in mediation, the terms of settlement filed before the mediator, the suit being CS 15 of 2022 is disposed of recording the settlement arrived at before the mediator as placed before the Court with the final report of mediation dated 16th August, 2022 in accordance with the terms of settlement dated 12th August, 2022 arrived at by the parties before the learned mediator.

Let a decree be drawn up in terms of the terms of settlement filed on 12th August, 2022 before the learned mediator which has been taken on record on a previous occasion.

The suit is, accordingly, disposed of.

Any pending interlocutory application also stands disposed of in view of the suit having been disposed of.

(ARINDAM MUKHERJEE, J.)

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