



A. No.161 of 2023 in O.P. No.507 of 2020

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WEB CO **ABDUL QUDDHOSE, J.**

M/s.Moorgate Industries D.M.C.C.
represented by their Authorised Signatory
Rajendra Bohra

.. Applicant

versus

M/s.K.I. (International) Limited,
Tondiarpet, Chennai – 600 081.

.. Respondent

This Application has been filed to revive the Original Petition No.507 of 2020 for further proceedings pursuant to the liberty granted by the learned Single Judge in terms of the judgment dated 01.10.2021 passed by this Court.

2.Admittedly, there are belated payments made by the respondent to the applicant. On the last hearing date, it was submitted by the learned counsel for the applicant that the O.P. will have to be revived as per the Compromise Memo in view of the default committed by the respondent. This Court had posted the matter for reporting settlement, after a submission having been made by the learned counsel for the respondent that they will settle the dispute.



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3.Today, the learned counsel for the respondent submits that all the instalments have been paid as per the Compromise Memo to the applicant.

4.Learned counsel for the applicant has filed a Memo dated 20.04.2023 along with a Tabular Column disclosing the interest payable by the respondent to the applicant for the belated payments. She would also submit through Video Conferencing that as on date, the interest payable by the respondent to the applicant is Rs.4,16,009/-

5.However, in the Compromise Memo, which has been recorded by this Court earlier, the respondent had not undertaken to pay interest to the applicant in case of making belated payments. Therefore, this Court cannot decide the said issue in this Application. Since the respondent has paid all the instalments as per the Compromise Memo, the payment of interest to be payable by the respondent cannot be adjudicated by this Court in this Application. If at all the applicant is entitled for interest for the belated payments made by the respondent as per the Compromise Memo, the Applicant will have to approach the Civil Court for the same and not seek relief in this Application.



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6.For the foregoing reasons, since all the instalments have been paid

by the respondent to the applicant, this Application is disposed of by granting liberty to the applicant to approach the Civil Court if at all the applicant still desires to claim interest for the belated payments from the respondent and the respondent is also granted liberty to raise all their objections available to them under law as and when such a Suit is filed by the applicant.

13.07.2023

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