



C.M.P.No.6785 of 2024

IN

O.S.A.No.211 of 2021

R. MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

This Court, *vide* judgment dated 19.09.2023, taking note of the joint compromise memo entered into between the parties, disposed of the O.S.A. as under :

“4. In view of the above, this original side appeal stands disposed of, in terms of the joint compromise memo referred to above. According to clauses (1) and (7) of the joint compromise memo, CMP.No.14148 of 2023 stands ordered, thereby directing the registry to release the payment of Rs.2,00,00,000/- lying in the bank accounts along with interest accrued, if any, in favour of the respondent, forthwith. The joint memorandum of compromise dated 15.09.2023 shall form part of the decree. No costs. Connected miscellaneous petition is closed.”

2. Of the clauses incorporated in the joint compromise memo, clause (5) is worthy of being extracted :

“(5) That in the event of any of the payments issued under the above said 3 cheques dishonoured or the payment is not cleared on or before 30.04.2024 in full, the respondent shall be entitled to recover the entire Award amount together with interest in terms of the Award, under the above Execution proceeding.”

On account of dishonour of three cheques and on the strength of clause (5) of the joint compromise memo, the petitioner/respondent has filed this petition seeking modification of the order dated 19.09.2023 to enable him to recover the entire amount as per the Arbitral Award dated 21.02.2020.

3. Today, when the matter was taken up for hearing, a joint memo of



compliance and full satisfaction dated 10.04.2024, signed by the learned counsel on either side, was submitted to this Court, from a perusal of which, it is evident that the respondent has received a sum of Rs.5,00,00,000/- (Rs.2,00,00,000/- at the time of grant of interim order by this Court and Rs.3,00,00,000/- on various dates commencing from 12.12.2023 to 09.04.2024) as full and final settlement towards the claim raised in the arbitration proceedings.

4. In view of the above, recording the joint memo of compliance and full satisfaction dated 10.04.2024 duly signed by the learned counsel on either side, this C.M.P. stands closed as no further orders need to be passed.

[R.M.D., J.] [M.S.Q., J.]

15.04.2024

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R. MAHADEVAN, J.
AND



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MOHAMMED SHAFFIQ, J.
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