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Appeal (CAD) No.46 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Appeal (CAD) No.46 of 2024

&

C.M.P.No.25535 of 2024

M/s. Shivosu Canada Pure Fillers Private Limited

Also known as

Canada Pure Fillers Private Limited

No.149, Poonamallee High Road

Kilpauk, Chennai 600 010

Carrying on business at

No.149, P.H. Road, Kilpauk

Chennai 600 010.

.. Appellant

Vs.

M/s. Shaik Dawood Traders

Rep. by its Proprietor V.T.Sahul Hameed

Carrying on business at

No.14, Mosque Street, Padi

Chennai 600 050.

.. Respondent

Prayer : Appeal under Section 13(1) of the Commercial Courts Act,



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Commercial Division Act read with Order 96 of CPC against the order dated 05.04.2023 passed in COS No.1287 of 2022 on the file of the Commercial Court at Chennai.

For Appellant : Mr.Ram Kumar Natarajan

For Respondent : Mr.M,A.Lakshmipathi

JUDGMENT

(Judgment of the Court was delivered
by the Hon'ble Chief Justice)

The appeal was admitted vide order dated 25.11.2024. It was a conditional order and appellant, who had a decree against him, was directed to deposit a sum of Rs.5.00 lakh. The decree was in the sum of Rs.3,58,209/- plus interest thereon at 24% per annum from the date of plaint till the date of decree and further interest at 6% per annum from the date of decree till the date of realisation. Counsel states the amount payable as on date will be in excess of Rs.7.00 lakh.

2. Yesterday, when the matter was called out, the Court suggested if the parties could work out. At the request of counsel, we stood over the



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matter to today.

3. Today, when the matter was called out, counsel for appellant made a without prejudice offer and suggested that if respondent is ready to accept a sum of Rs.5.00 lakh in full and final settlement, respondent may withdraw the amount of Rs.5.00 lakh deposited in the Court, together with accumulated interest if any.

4. Counsel for respondent grabbed the opportunity and stated that respondent would accept the offer made by appellant in full and final settlement of all claims of respondent.

5. Therefore, the Registry is directed to pay over the amount of Rs.5.00 lakh deposited by appellant, as recorded in the memorandum of compliance dated 06.12.2024, together with interest if any, to respondent, without any deductions. If there is any tax payable, respondent shall be liable to pay income tax on the said amount.



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Upon payment of this amount, the decree shall stand satisfied.

6. The appeal stands disposed. There shall be no order as to costs.

Consequently, the interim application also stands disposed of.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

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Index : Yes/No

Neutral Citation : Yes/No

kpl



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(kpl)

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