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OSA (CAD) No.69 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

OSA (CAD) No.69 of 2023

and

CMP No.15084 of 2023

M/s.AQJ Apparels Pvt. Ltd
Rep.by its Managing Director Mr.Shiraj
Abdulgani Patanwala
No.31A Thiru Vi Ka Nagar North
1st Street College Road
Tirupur 641 602 Tamil Nadu : Appellant

versus

1.M/s.MMUNNA Garments
Rep by its Proprietor Mr.Mohammed Kalith
19/20A Royapuram Main Road
Tirupur 641 601

2.Sri Srinivasa Tex
Old No.12 Singara Garden
8th lane, (Opp to KCS Girls School)
Old Washermenpet
Chennai 21 : Respondents

Prayer: Appeal filed against the Judgment passed by the Honble Court in



OSA (CAD) No.69 of 2023

A.No.2100 of 2023 in C.S.(COMM DIV) No.247 of 2022 dated 12-06-2023.

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For Appellant : Mr.G.Ramesh
For Respondent No.1 : Mr.A.Swaminathan,
for Mr.S.Suresh Kumar
For Respondent No.2 : Mr.J.Ganesh,
for Mr.R.Thirumoorthy

JUDGMENT

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

Yesterday, the following order was passed:

“Shri Swaminathan, counsel for first respondent, states that the advocates who had appeared for second defendant in the trial court are from the same office of the advocate for plaintiff as well, who is the appellant before us.

2. In short, counsel for first respondent, who was first defendant in the suit, states the entire cause of action was based on an invoice and goods sold by second defendant and advocate for second defendant and plaintiff's advocate are from the same office and it is, therefore, a collusive suit.

3. Shri G.Ramesh denies and states he has nothing to do with Mr.R.Vishal and Ms.H.Alice Bibiana, who have filed vakalatnama for second defendant.

4. Shri Swaminathan stands his ground. Therefore, notice be issued to Mr.R.Vishal and Ms.H.Alice Bibiana to remain present in court, so that the court could verify the truth. Shri Swaminathan states he shall inform Mr.R.Vishal and Ms.H.Alice



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*Bibiana about this order.
List on 17.12.2024.”*

2. Today, when the matter was called out, Mr.Ramesh sought leave of the Court to withdraw the appeal.

3. Appeal dismissed as withdrawn. Consequently, the interim application also stands disposed of.

4. Counsel for respondents is justified in pressing for cost.

5. We direct appellant to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as cost for this appeal. Cost shall be paid within two weeks from today. Failing to pay cost will be viewed as deliberate and wilful disobedience of the order of this Court and respondents may move for contempt against appellant as well as its directors.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

17.12.2024

Index : Yes/No



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THE HON'BLE CHIEF JUSTICE

AND

SENTHILKUMAR RAMAMOORTHY, J.

(tar)

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