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O.S.A.No.301 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

O.S.A.No.301 of 2021

and

C.M.P.Nos.20930 and 17084 of 2021

in

O.S.A.No.301 of 2021

M/s.K.K.Rice Mill

Represented by its Proprietor

K.Karthikeyan

... Appellant

Vs.

M/s.Akshaya Agro Informatics LLP Company

60/3, L.D.G.Road, Little Mount

Chennai-600 015.

.. Respondent

(Respondent company name amended vide
order of this Court dated 20.06.2024 in
C.M.P.No.11019 of 2024 in O.S.A.No.301 of 2021)

Original Side Appeal filed under Order XXXVI Rule 1 of Original
Side Rules read with Clause 15 of the Letters Patent Act, praying to set aside

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the judgment and decree dated 27.02.2020 passed in C.S.No.805 of 2009 on the file of this Hon'ble High Court, Madras.

For Appellant : Mr.J.Antony Jesus
For Respondent : Mr.R.Saravana Kumar

J U D G M E N T

[Judgment of the Court was made by M.SUNDAR, J.,]

Captioned 'Original Side Appeal' {hereinafter 'OSA' for the sake of brevity, convenience and clarity} and captioned 'Civil Miscellaneous Petitions' {hereinafter 'CMPs' for the sake of brevity, convenience and clarity} are listed under the cause list caption 'MEDIATION SETTLED CASES'.

2. Captioned OSA was referred to Mediation by this Bench on 11.07.2024, the matter has since been settled in mediation (pursuant to our referral) and a scanned reproduction of Mediation Report dated 12.09.2024 is as follows:



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TAMIL NADU MEDIATION AND CONCILIATION CENTRE (TNMCC),
HIGH COURT, MADRAS.

MEDIATION REPORT

Mediation File No. : 525/2024
Court Case No. : O.S.A. No. 301/2021 at Cop. No. 200/2021
and No. ~~17~~ 17-554/2021
Referred By : HON'BLE JUDGE K.G.T.J.
Date of Referral : 11-07-'24
Name of the Mediator(s) : M/s. R. DHANILAKSHMI
Dates of Mediation Sessions : 15/07/2024, 22-07-2024, 29-07-24, 06/08/24
20/08/2024, 02/09/2024 & 12/09/24
Name of the Petitioner(s) : M/S. K.K. RICE MILL
Rep. by Mr. Pop. K. KANNIKYANN
Name of the Respondent(s) : M/S. AKSHAYA AERO INFORMATICS
LP,
Counsel for Petitioner(s) : Mr. T. ANTONY JESUS
Counsel for Respondent(s) : Mr. J. RABH RAO,

- ✓ 1. Mediation completed. Agreements enclosed.
or
2. Mediation completed. No agreement was reached.
or
3. Petitioner(s)/applicant(s)/plaintiff(s) only appeared.
Willing/ not willing for mediation.
or
4. Respondent(s)/Defendant(s) only appeared.
Willing/ not willing for mediation.
or
5. Both parties were absent consecutively for three hearings.
Mediation could not be commenced.

Date: 12.09.2024

Signature of the Mediator(s)



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3. In the light of Circular bearing reference ROC.No.111/2006-CON.ESTT.I dated 26.09.2016, which provides for the matter to be listed before the same Bench which made the referral, captioned matter is listed before us.

4. Today, Mr.J.Antony Jesus, learned counsel on record for sole appellant and Mr.R.Saravana Kumar, learned counsel on record for lone respondent are before us.

5. Both learned counsel submitted that the captioned matter has been settled in mediation and sought leave of this Court to withdraw the captioned OSA and CMPs thereat as settled in mediation. Learned counsel for appellant sought refund of Court fee by adverting to Section 69-A of 'Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)' (hereinafter 'TN Court Fees Act' for the sake of brevity).

6. Both learned counsel made a joint endorsement in the case file and



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a scanned reproduction of the same is as follows:

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at CMPs
OSA withdrawn, as settled
in Mediation.
Hence, no claim against
each other in future.
Counsel for Appellant
27/9/2024
(R. Sankaranarayanan)

7. In the light of the narrative thus far, captioned OSA and captioned CMPs thereat are disposed of as closed having been settled in mediation. In the light of Section 69-A of TN Court Fees Act, Registry to process the refund of Court fee and ensure that refund is made by way of an instrument drawn in favour of appellant as expeditiously as the business of Registry would permit but in any event within six weeks from today i.e., by 08.11.2024. Refund is subject only to statutory deductions, if any and it is obviously subject to learned counsel for appellant complying with procedural requirements.



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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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8. Captioned OSA and captioned CMPs are disposed of in the aforesaid manner i.e., disposed of as closed as settled in Mediation. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
27.09.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No

mk

To

The Sub-Assistant Registrar
Original Side
High Court, Madras.

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