



WEB COPY



O.S.A (CAD) No.9 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A (CAD) No.9 of 2022

&

C.M.P.No.910 of 2022

in

O.S.A (CAD) No.9 of 2022

Morepen Laboratories Ltd.,
Morepen Village, Nalagarh Road
Near Baddi District, Solan
Himachal Pradesh – 173 220

Also at
No.35 and 36, 2nd Avenue
Anna Nagar, Chennai
Tamil Nadu – 600 040

Also at
No.9/2 C Block, 10th Street
Anna Nagar East
Chennai, Tamil Nadu – 600 102

... Appellant

Vs.

Cadila Heathcare Ltd.,
Zydus Corporate Park, Scheme No.63
Survey No.536, Nr.Vaishnodevi Circle
S.G.Highway, Ahmedabad – 382 481
Rep. By its Authorized Signatory Mr.Hiren Trivedi



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Also at

Pioneer Sudharsan Plaza
2nd Floor, No.2, Mohan Kumaramanglam Street
Nungambakkam High Road
Nungambakkam, Chennai
Tamil Nadu – 600 034

.. Respondent

Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules read with 13 of Commercial Courts Act, 2015 against the order dated 29.07.2021 passed in O.A.No.171 of 2021 in C.S (Comm.Div.) No.111 of 2021 and substantially modified for the second time by order dated 21.10.2021.

For Appellants : Ms.Anusha Peri
for Mr.R.Parthasarathy

For Respondent : Mr.Adarsh Ramanujan

JUDGMENT

(Judgment of the Court was delivered by **M.Sundar, J.**)

When the matter was taken up, Ms.Anusha Peri, learned counsel representing the counsel on record for appellant and Mr.Adarsh Ramanujan, learned counsel for sole respondent were before us.

2. Learned counsel for appellant submitted that the captioned 'Original Side Appeal' ['OSA' for the sake of brevity] is predicated against an interim order but the same has become infructuous as the main suit



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itself has since been given a closure. Saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Handwritten notes:
Appeal is withdrawn as the suit is decreed in terms of a memo of compromise.
For Counsel for Appellant (M/S. R. Parthas) enrollment no (M4/508/18) (03.06.24)
97
M/s. R. Parthas:
Rahul Balaji, 67
Madhan Bahadur

In the light of the narrative thus far, captioned OSA and captioned CMP are disposed of as closed/withdrawn having become infructuous. No costs.

(M.S.J.) (K.G.T.J.)
03.06.2024

Index: Yes/No
Neutral Citation: Yes/No
gpa



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M.SUNDAR.J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,
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