



C.S.(Comm.Div.) No.113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**C.S.(Comm.Div.) No.113 of 2024**

M/s Test Steel Suppliers  
Rep By Its Proprietor Mr.P.Sridhar,  
New No.36, Old No.70, II Floor,  
Sembudass Street, Chennai – 600 001.

... Plaintiff

-VS-

M/s Tecknoweld Alloys (Overseas) Pvt.Ltd.,  
Represented By Its Managing Director,  
Plot No.114, Developed Plots, Industrial Estate,  
Perungudi, Chennai 600 096.

... Defendant

**PRAYER:** Civil Suit (Commercial Division) filed under Order XXXVII Rule 1 of Code of Civil Procedure, praying to pay to the plaintiff a sum of Rs.36,88,992/- towards value of the materials supplied and interest together with further interest @ 24% per annum on the sum of Rs.25,39,483/- from the date of plaint till the date of its realization and to pay the cost o this suit.



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For Plaintiff : Mr.M.Chinnathambi  
for M/s.N.Premkumar

For Defendant : Mr.Thriyambak J.Kannan  
for M/s.Khaitan & Co.

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### **JUDGMENT**

Two summary suits were filed by Test Steel Suppliers (the plaintiff) against Tecknoweld Alloys (Overseas) Private Limited (the defendant). Pursuant to the execution of settlement agreement dated 09.12.2024, C.O.S.No.272 of 2023 before the Additional Commercial Court, Egmore, Chennai was dismissed as settled out of Court by order dated 19.12.2024.

2. In Tr.C.S.(Commercial) No.113 of 2024, the defendant has made a counter claim and paid a sum of Rs.3,04,728/- as court fee thereon. Pursuant to order dated 17.08.2023 in C.R.P.Nos.347 & 354 of 2020, the defendant has established two fixed deposits for sums of Rs.36,88,992/- and



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Rs.40,70,100/-. Out of the two fixed deposits, the fixed deposit for Rs.36,88,992/- under Account No.140112040047/1 is lying to the credit of the suit pending before this Court. The parties seek refund of court fees and the handing over of the original fixed deposit receipt to the defendant in view of the out of settlement.

3. By taking into consideration the out of court settlement at the pre trial stage, the following directions are issued:

- (i) The suit is dismissed as settled out of Court.
- (ii) The Registrar General is directed to hand over the original fixed deposit receipt bearing Account No.140112040047/1 for Rs.36,88,992/- and issued by Canara Bank to the defendant.
- (iii) The court fee paid by the plaintiff shall be refunded to the plaintiff.
- (iv) The court fee of Rs.3,04,728/- remitted by the defendant towards the counter claim under Acknowledgment No.YL0003947938 shall be refunded to the defendant.



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(v) These actions shall be completed within a period of ***two weeks***

from the date of receipt of a copy of this order.

**12.02.2025**

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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**SENTHILKUMAR RAMAMOORTHY,J**

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