



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**OSA(CAD) No. 42 of 2025
AND CMP NO. 8811 OF 2025**

1. B. Vinayak Niles
S/o. Baburaj, No.21, Raja Street, T.Nagar,
Chennai-600 017
2. P Baburaj
No.21, Raja Street, T.Nagar, Chennai-600 17

..Petitioner(s)

Vs

1. Rakesh Harlalka
Door No.6, 'Triveni House', Govindan Street,
Ayyavoo Colony, Aminjikarai, Chennai-29
2. Rahul Tibrewala
AF2234, 11th Main Road, Anna Nagar,
Chennai-40
3. Rahul Kumar Singhi
No.1089, Poonamallee High Road,
Sankeshwara Apartment, A Block, Flat
No.1301,13th Floor, Chennai-84
4. Narendra Halalka
Door No.6A 'Triveni House', Govindan Street,
Ayyavoo Colony, Aminjikarai, Chennai-29
5. Urmila Harlalka
Door No.6A, 'Triveni House', Govindan Street,
Ayyavoo Colony, Aminjikarai, Chennai-29
6. Narendra Harlalka HUF,
Represented by its Karta, Mr.Narendra Harlalka



Residing at No.6A, 'Triveni House',
Govindan Street, Ayyavoo Colony,
Aminjikarai, Chennai-29

7. Rashmi Harlalka
Door No.6A, 'Triveni House', Govindan Street,
Ayyavoo Colony, Aminjikarai, Chennai-29
8. Sobhag Devi Singhi
No.1089, Poonamallee High Road,
Sankeshwara Apartment, A-Block, Flat
No.1301,13th Floor, Chennai-84
9. Tritex Private Limited
Rep by its Director, Mr.Rakesh Harlalkha, Door
No.6A, Triveni House Govindan Street,
Ayyavoo Colony, Aminjikarai Chennai-600 029

..Respondent(s)

Prayer: Appeal filed under Section 13(1) of the Commercial Courts Act, 2015, to set aside the impugned judgement and decree dated 03.01.2025 passed by this Court in C.S.(Comm.Div) No.94/2021 and allow the appeal and thus render justice.

For Appellant(s): Mr.Anupam Raghuraman

For Respondent(s): Mr.M.Santhanaraman

JUDGMENT

(Judgment of the Court was made by Dr.Anita Sumanth J.)

In light of memo dated 10.04.2025, which is extracted below, this OSA (CAD) and the connected Miscellaneous Petition are dismissed as withdrawn, as settled out of Court.

MEMO FILED BY THE APPELLANTS

The appellants above-named most respectfully submit as follows:

- 1. The present Original Side Appeal was filed challenging the*



Judgment and Decree dated 03.01.2025 passed in C.S.(Comm.Div.) No.94 of 2021.

2. The underlying dispute relates to a redemption suit filed by the Appellants concerning a First Mortgage Deed dated 16.04.2012 executed for a loan of Rs.1.50 crores. The Appellants contended that they had paid a total sum of Rs.3,87,21,482/- and were entitled to a refund of excess payments amounting to Rs.1,91,67,279/- based on legal interest rates. Further, the Appellants challenged a Second Simple Mortgage Deed dated 13.03.2020 as being a sham and nominal document unsupported by consideration. The suit was dismissed by the Learned Single Judge on 03.01.2025, following which this appeal was preferred.

3. During the pendency of the above Appeal, the Appellants and the Respondents have entered into an amicable settlement out of court, resolving all disputes and claims arising from the subject matter of the suit and the appeal.

4. In view of the said settlement, the Appellants do not wish to press the present Appeal and seek the leave of this Hon'ble Court to withdraw the same as 'Settled Out of Court.'

5. The Appellants have paid a substantial Court Fee Memorandum of Appeal. Since the matter has been settled out of court between the parties, the Appellants are entitled to a refund of the Court Fee as per the relevant provisions of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

It is therefore prayed that this Hon'ble Court may be pleased to:

- Record this Memo and permit the Appellants to withdraw O.S.A. (CAD) No.42 of 2025 as settled out of court; and
- Direct the Registry to refund the Court Fee paid on the Memorandum of appeal to the Appellants or their Counsel, and thus render justice

Dated at Chennai on this the 10th day of April, 2025.'

2. Let an application be made by the appellants before the Registry for refund of Court fee. No costs.

(A.S.M.,J.) (S.M.,J.)
10-04-2026

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Index: Yes/No
Speaking order
Neutral Citation: Yes



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OSA(CAD) No. 42 of 2



**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

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