IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY, 2025

PRESENT

THE HON'BLE MR JUSTICE V KAMESWAR RAO

AND

THE HON'BLE MR JUSTICE S RACHAIAH

COMMERCIAL APPEAL NO. 18 OF 2025

BETWEEN:

1. M/S. DHRUHAN AND NIDDESH INC A
PRIVATE COMPANY LIMITED
REPRESENTED BY IT'S
AUTHORIZIED REPRESENTATIVE
MRS. RACHANAREDDY
NO 1-10, EPSILON RESIDENTIAL VILLAS
YAMALUR MAIN ROAD, BELLNDUR
BANGALORE-560037
ALSO AT NO 2,
UKN ESPERANZA,
THUBERHALLI VILLAGE,
RAMAGONDANHALLI POST,
BENGALURU -560 006.

Digitally signed by NARAYANA UMA
Location: HIGH COURT OF KARNATAKA

2. MRS. RACHANA REDDY
AUTHORIZED REPRESENTATIVE
M/S DHRUHAN AND NIDEESH INC A
NO 1-10, EPSILON RESIDENTIAL VILLAS
YAMALUR MAIN ROAD,
BELLNDUR, BANGALORE-560037.

...APPELLANTS

(BY SRI. SRINIVAS V., ADVOCATE)

AND:

1. MS/. SRI. ANUSHA ENGINEERING WORKS
REPRESENTED BY ITS
SOLE PROPRIETOR

MR. V. KRISHNA MURTHY
S/O LATE V. SUBBARAYADU
AGED BOUT 67 YEARS,
FLAT NO.401, PLOT NO.D-66 AND 67
SURYA RESIDENCY, MADHURANAGAR
HYDERABAD-500038.

…RESPONDENT

(BY SRI. GOPI KARUNAKARAN, ADVOCATE)

THIS COMMERCIAL APPEAL FILES UNDER SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015 PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO CALL FOR RECORDS AND ALLOW THE APPEAL AND SET ASIDE THE JUDGMENT AND DECREE DATED 29.10.2024 PASSED IN COM.OS. NO. 862/2021 ON THE FILE OF THE LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, (CCH 83) AND CONSEQUENTLY DISMISS THE SUIT OF THE RESPONDENT, AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE V KAMESWAR RAO
and
HON'BLE MR JUSTICE S RACHAIAH

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE V KAMESWAR RAO)

Learned counsel for the parties have filed memorandum of compromise petition under Order 23 (as corrected by hand) Rule 1 read with Section 151 of CPC. The representatives of the appellants and respondent who are present in-person (identified by their counsel) says, parties have settled their *interse* dispute.

2. The terms of the settlement as noted from the memorandum reads as under:-

1. *The appellants have filed the instant file challenging the judgment and decree passed in commercial OS 862/2021 on the file of LXXXII Addl. City Civil and Sessions Judge, Bengaluru on 29.10.2024.*

2. *With the interventions of friends and well-wishers both the parties have amicable settled the dispute between themselves.*

3. *The appellants agreed to pay sum of Rs.27 Lakhs towards full and final settlement of the judgment and decree passed in commercial OS 862/2021 on the file of LXXXII Addl. City Civil and Sessions Judge, Bengaluru on 29.10.2024 and the respondent have also agreed to receive the same and accordingly today*

the appellants have paid a sum of Rs.27 Lakhs under a DD Bearing No.00581 dated 16/01/2025 Drawn on HDFC Bank.

4. *Both the parties had further agreed that, they have no claim against each other either civil or criminal, henceforth.*

5. *The parties are filing this compromise petition voluntarily without any threat, force or coercion.*

6. *The Appellants and the Respondent have filed their respective Aadhaar card to establish their identities before this Hon'ble Court.*

3. The learned counsel as well as the representatives states parties shall be bound by the terms of settlement. Their statement is taken on record.

4. Learned counsel for the appellants has handed over the Demand Draft bearing No.00581 dated 16.01.2025 drawn on HDFC Bank for a sum of Rs.27 Lakhs to the learned counsel for the respondent, who in turn has handed over the same to the proprietor of respondent works.

Accordingly, Appeal and memorandum are ***disposed of***.

In view of the judgment of the Hon'ble Supreme Court in the case of ***High Court of Judicature at Madras -Vs.- M.C. Subramaniam and Others [AIR 2021 SC 2662]***, Registry shall refund the Court fee as paid on the memorandum of appeal by the appellants.

Sd/-
(V KAMESWAR RAO)
JUDGE

Sd/-
(S RACHAIAH)
JUDGE

GPG
List No.: 1 Sl No.: 13