IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2025

PRESENT

THE HON'BLE MR JUSTICE V KAMESWAR RAO

AND

THE HON'BLE MR JUSTICE S RACHAIAH

COMMERCIAL APPEAL NO. 186 OF 2024

BETWEEN:

M/S CURE AND CARE PRIMARY CARE PRIVATE LIMITED
REGISTERED OFFICE AT NO 38/3,
6TH CROSS, VIBGYOR HIGH SCHOOL,
HSR EXTENSION,
RELIABLE TRANQUIL LAYOUT,
BENGALURU – 560 102.
REP BY ITS MANAGER DIRECTOR,
MR. S JEYAKUMAR

…APPELLANT

(BY SRI. VENUGOPAL N, ADVOCATE)

AND:

M/S ORCHARD HEALTH CARE PRIVATE LIMITED
REGISTERED OFFICE AT NO. GKR TOWERS
2ND FLOOR, NO 912, 80 FEET ROAD,
6TH BLOCK, KORAMANGALA,
BENGALURU – 560 095.
REP BY ITS AUTHORIZED REPRESENTATIVE,
MR. JOHAN DSOUZA

…RESPONDENT

Digitally signed by NARAYANA UMA
Location: HIGH COURT OF KARNATAKA

THIS COMAP IS FILED UNDER SECTION 13(1)(A) OF THE COMMERCIAL COURTS ACT, 2015 R/W ORDER XLIII OF CPC, PRAYING TO SET ASIDE THE EX-PRATE JUDGMENT AND DECREE DATED 04/03/2024, PASSED IN COM.O.S.NO.1529/2023 BY THE LXXXVI ADDITIONAL CITY CIVIL AND SESSION JUDGE (CCH-87) COMMERCIAL COURT AT BENGALURU 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)

1. Learned counsel for the appellant has filed memo for withdrawal, which reads as under:

> *"The Appellant herein most respectfully submits that, the above matter has amicably settled between both the parties in the trail court, In The Court Of The LXXXVI Additional City Civil and Sessions Judge at Bengaluru (CCH-87) in Com Ex No.355/2024 and both parties filed the joint memo and as per the joint memo appellant paid full and final settled amount. A certified copy of the Entire Order sheet and Joint memo are producing herewith as* ***ANNEXURE -A.*** *Therefore, the appellant herein most respectfully prays this Hon'ble court to dismiss the above Commercial appeal as withdraw by directing the office to return entire court fees paid, to appellant herein, in the interest of justice and equity."*

2. Memo is taken on record. In view of the fact that the parties have settled the dispute before the Trial Court, the appellant wishes to withdraw the appeal.

Appeal is dismissed as withdrawn.

In view of the withdrawal of the appeal, as the parties have settled their dispute, the Registry is directed to refund 75% of the Court fee to the appellant on due identification.

Pending I.A. do not survive for consideration and the same is also disposed of.

Sd/-
(V KAMESWAR RAO)
JUDGE

Sd/-
(S RACHAIAH)
JUDGE

UN
List No.: 1 Sl No.: 9