



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2024

PRESENT

THE HON'BLE MRS JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR JUSTICE G BASAVARAJA

COMMERCIAL APPEAL NO. 187 OF 2024

BETWEEN:

M/S. IMPEL EXPORTS
A REGISTERED PARTNERSHIP FIRM
UNDER THE PROVISIONS OF THE
PARTNERSHIP ACT, 1932
HAVING ITS OFFICE AT
NO.B 88/A, KSSIDC INDUSTRIAL AREA,
BOMMASANDRA, BENGALURU 560 099

REPRESENTED BY ITS PURCHASE MANAGER AND
AUTHORIZED SIGNATORY MR. PRADEEP GATTI

...APPELLANT

(BY SRI. ARUN PRADESH E., ADVOCATE)

AND:

SUVIKRAM PLASTEX PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
#16, 4th MAIN, INDUSTRIAL TOWN,
W.C ROAD, RAJAJINAGAR, BENGALURU - 560 010

AND WORKS AT SURVEY NO.96,
MACHOHALLI VILLAGE, DASANAPURA HOBLI,
BENGALURU NORTH TALUK,
VISHWANEEDAM POST,
BENGALURU - 560 091





REPRESENTED BY ITS DIRECTOR
MR. SUDHIR R. PRABHU

...RESPONDENT

(BY SRI. VENKATESH R. BHAGAT., ADVOCATE)

THIS COMAP IS FILED UNDER SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015 READ WITH ORDER XLI OF THE CPC, 1908, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND DECREE, DATED 08.06.2022 PASSED BY THE LXXXIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, (CCH-84) IN COM. O.S. NO. 256 OF 2019 MARKED AS DOCUMENT NO.1 AND TO REJECT THE ALLEGED CLAIMS MADE BY THE RESPONDENT IN THE SAID SUIT ETC.

THIS APPEAL, COMING ON FOR HEARING ON INTERLOCUTORY APPLICATION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE ANU SIVARAMAN
and
HON'BLE MR JUSTICE G BASAVARAJA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE ANU SIVARAMAN)

It is submitted by the learned counsel appearing on either side that the disputes between the parties which has given rise to this Commercial Appeal has been settled in mediation between them. It is contended that the settlement entered into between the parties produced in writing in the form of Memorandum of Settlement. It is stated that the appellant has agreed to pay a sum of



Rs.34,00,000/- (Rupees Thirty four lakhs only) towards full and final settlement of all the claims of respondent. It is submitted that the amount of Rs.20,00,000/- (Rupees Twenty lakhs only) has been deposited before the Commercial Court in Execution Petition No.418/2022 and further amount of Rs.5,00,000/- (Rupees Five lakhs only) has been deposited before this Court in this Commercial Appeal.

2. It is submitted that further, a demand draft dated 25.06.2024 bearing No.504919 for an amount of Rs.9,00,000/- (Rupees Nine lakhs only) is being handed over today by the appellant to the respondent in Court. It is further submitted that the Court Fee of Rs.1,96,998/- (Rupees One lakh ninety six thousand nine hundred and ninety eight only) paid by the appellant before this Court shall also be paid to the respondent and the Commercial Appeal shall be withdrawn recording the settlement.

3. The parties as well as the learned counsel are present in Court today and they submit that the entire



disputes have now been settled in terms of settlement arrived at in mediation. It is submitted that terms of settlement are agreed upon between the parties. It is further submitted that the appellant has no objection to the Court fees paid in respect of this appeal being paid to the respondent in terms of the agreement arrived at between the parties.

4. In the above view of the matter, the Commercial Appeal is ordered in terms of the Memorandum of Settlement arrived at between the parties in mediation. The said Memorandum of Settlement shall form part of the judgment in this Commercial Appeal which shall stand settled and withdrawn in terms of the same.

5. The payment of the amounts which are deposited by appellants as well as the Court Fee paid shall be released in favour of respondent in terms of agreement arrived at between the parties. It is further agreed between the parties that the entire claim of the



respondent has been settled by the appellant in terms of the agreement arrived at between the parties.

6. The Commercial Court as well as the Registry of this Court shall release the amounts as agreed herein to the respondent on proper identification.

7. Accordingly, the Commercial Appeal stands ***disposed of.***

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(G BASAVARAJA)
JUDGE**

SSD
List No.: 1 Sl No.: 20