

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

I.A. NO. 1 OF 2023

IN/AND

ORIGINAL SIDE APPEAL NO: 43 OF 2015

**Appeal Under Clause 15 of Letters Patent Act r/w. Section 483 of the
Companies Act, 1956 aggrieved by the Order dated 25-08-2015 in Company
Petition No. 159 of 2013**

Between:

**M/S ARCOM MEDICAL DEVICES PRIVATE LIMITED, a Company registered under
the Indian Companies Act 1956 represented by its Managing Director Sri Sanjeev
Kumar Gupta having its office at 3-6-140/A, # 402, City Centre, Himayathnagar,
Hyderabad-500 029. ...APPELLANT/ Petitioner in both**

AND

**M/S YASHODA HEALTHCARE SERVICES PRIVATE LIMITED, HYD, (Yashoda
group of Hospitals) A Company registered under the provisions of Indian Companies
Act 1956 Represented by its Managing Director Having its registered office at 16-10-
29, Nalgonda X Road, Malakpet, Hyderabad-500036. ...RESPONDENT in
both**

IA NO: 1 OF 2023

**Application under Order 23 Rule 1 r/w. Sec. 151 of CPC praying that in
the circumstances stated in the affidavit filed in support of the petition, the High
Court may be pleased to dismiss the most humbly as withdrawn without cost of
the appeal against the respondent/respondent in terms of compromise entered in
between the petitioner/ appellant and the respondent/ respondent in the interest of
justice.**

Counsel for the Appellant: SRI. DEEPAK MISRA

Counsel for the Respondent: SRI K VIVEK REDDY

The Court delivered the following: Common Judgment

HIGH COURT
DATED:31/08/2023

COMMON JUDGMENT

I.A. NO. 1 OF 2023
IN/ AND
OSA.No.43 of 2015



ORDERING THE I.A. NO. 1 OF 2023
AND CLOSING THE O.S.A.
WITHOUT COSTS

(7) *vw*
11/10/23

**HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD:**

O.S.A No. 43 OF 2015

BETWEEN:-

M/s.ARCOM MEDICAL DEVICES PRIVATE LIMITED
a Company registered under the Indian Companies Act 1956
represented by its Managing Director Sri Sanjeev Kumar Gupta
having its office at 3-6-140/A, # 402, City Centre,
Himayathnagar, Hyderabad-500 029.

...Petitioner/Appellant

AND

M/s. Yashoda Healthcare Services Private Limited
(Yashoda group of Hospitals)
A Company registered under the provisions
of Indian Companies Act 1956
Represented by its Managing Director
Having its registered office at 16-10-29,
Nalgonda X Road, Malakpet, Hyderabad-500036.

...Respondent/Respondent

MEMORANDUM OF COMPROMISE

1. That the Appellant filed the present Appeal in OSA No. 43 of 2015 assailing the Order dated 25-08-2015 passed by the Learned Company Court Judge passed in Company Petition No. 159 of 2013 dismissing the Company Petition filed by the Appellant at the stage of admission and the Respondent is contesting the present appeal.
2. That during the pendency of the present appeal the petitioner/Appellant and the Respondent, in order to put quietus to the litigation, have settled the monetary claims out of the court.

For Arcom Medical Devices Pvt. Ltd.

Managing Director

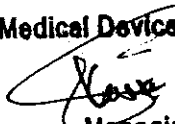
For Yashoda Healthcare Services Pvt. Ltd.

Director / Authorised Signatory

3. That in pursuance to the said settlement it is decided between the parties, that the Respondent will pay a total sum of Rs.31,50,000/- to the Appellant towards full and final settlement of the claim of the Appellant in the present appeal and the Appellant has accepted to receive the said amount towards full and final settlement.
4. That in due compliance with the said understanding entered between the parties the Respondent has handed over the Demand Draft/ Manger's Cheque bearing No.040062 dated 03.08.2023 for a sum of Rs.31.50,000/- drawn on HDFC bank, drawn in favour of the Appellant Company and the Appellant hereby acknowledge the receipt of the said Demand Draft/ Manger's Cheque towards full satisfaction of its claim involved in the present proceedings against the Respondent and the Petitioner agreed to withdraw the present appeal.
5. That the Appellant states that hereinafter, the Appellant will not have any claim against the Respondent with respect to the claims involved in the present appeal.

As the claim of the Appellant in the present appeal is settled and discharged the present appeal filed by the Appellant may be dismissed as withdrawn without costs in the interest of justice.

For Arcom Medical Devices Pvt. Ltd.


Managing Director

APPELLANT

For Yashoda Healthcare Services Pvt. Ltd.


Director / Authorised Signatory

RESPONDENT


COUNSEL FOR APPELLANT


COUNSEL FOR RESPONDENT

HYDERABAD
DT:22.08.2023