

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.06.2015

CORAM

THE HONOURABLE MRS. JUSTICE **S.VIMALA**

C.S.No.665 of 2001

Upasana Finance Limited,
Represented by its Manager
Finance & Secretary,
R.Krishnan
98A, Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004. Plaintiff

Vs.

1. P.Rajendran
Proprietor,
M/s.B.G.M.Exporters,
38, SNVS Lay Out, 4th Street,
Kongu Nagar,
Tirupur - 641 607.

2. S.Senniappan
Proprietor,
M/s.Maker Garments,
No.2, Kondappa Gounder Layout,
Kongu Main Road, सतुगमेन जयते
(Back to Dhanalakshmi Theatre)
Tirupur - 641 607.

3. Palaniswamy
38, SNVS Lay Out, 4th Street,
Kongu Nagar, Tirupur - 641 607.

4. R.Vijayalakshmi,
Proprietrix,
M/s.Maland Textiles,
2, SNVS Lay Out,
Tirupur - 641 607.

... Defendants

PRAYER: Plaint filed under Order XXXXVII Rule 2 of

Original Side Rules and Order VII Rule 1 of C.P.C., for the following relief:

(i) directing the defendants jointly and severally to pay a sum of Rs.30,60,072.00 together with further interest at 36% per annum from the date of plaint till the date of realization;

(ii) in default of payment of the amount as stated above, for sale of the mortgaged property mentioned in the Schedule to the plaint and apply the sale proceeds after deducting the sale expenses towards the amount due under the decree;

(iii) in the event of sale proceeds not being sufficient to satisfy the decree grant liberty to the plaintiff for personal decree against the defendants and

(iv) directing the defendants jointly and severally to pay the cost of the suit.

For Plaintiff : Mr.Manoj Sreevalsan

For D4 : M/s.R.Veeramani

JUDGMENT

Today, when the matter is taken up for consideration, the Plaintiff and the first defendant are present along with the counsel for the Plaintiff.

2. The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw the suit as against the defendants 2 and 3 as the matter has been amicably settled out of the Court and an endorsement has also been made to that effect. He further submits

that the matter has been settled between the plaintiff and the 1st and 4th defendants and a joint memo of compromise dated 23.06.2015 has been filed.

3. The plaintiff and the first defendant, who appears before this Court, have admitted the terms of compromise memo to be true, valid and correct.

4. The Compromise Memo shall form part of the decree. In view of the same, the suit is decreed in terms of compromise memo, so far as the Defendants 1 and 4 are concerned. The suit is dismissed as withdrawn so far as the Defendants 2 and 3 are concerned.

sd/.S.V.J

23.06.2015

//Certified to be a true copy//

Dated this the day of सत्यमेव जयते 2015.

R.s/09.07.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.