

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Date : 22.11.2016**

Coram:

The Hon'ble Mr. **Justice M.SUNDAR**

**C.S.No.295 of 2008**

A.M.Gopalan

... Plaintiff

Vs.

1.Mr.V.Anand

2.S.L.Raveendran

3.Anzurudeen

4.Jeeyaunnisa

5. Zayeemunnise

6. Niyasunnisa

7.Karaunnisa

8.M.Venkatesan

... Defendants

Suit filed under Order VII Rule 1 of CPC and Order XXXIV Rule 1 of of C.P.C., r/w Order II Rule 1 of O.S.Rules, 1956 with a prayer directing the defendant to pay the sum of Rs.15,51,000/- (being Rs.8,25,000/- towards principal and Rs.7,26,000/- towards interest till date of plaint); directing the defendant to pay future interest at 24 percent, per annum on the principal sum of Rs.8,25,000/-

from the date of plaint till date of realisation; that in default in payment of the amount directed by the Court to be paid by the defendants to the Plaintiff, the mortgaged properties described in the schedule hereunder may be sold and the proceeds, after defraying expenses of the same, be obtained towards the payment of principal amount, interest and costs within time fixed by the court; that if the proceeds of the sale of mortgaged properties shall not be sufficient for payment in full or such amounts the defendants may be ordered to pay to the plaintiff the amount of deficiency with interest at the same rate of interest mentioned above; for cost and for such other reliefs.

For plaintiff :: Mr.C.Rajan

JUDGMENT

Mr.C.Rajan, learned counsel on record for the plaintiff is present. Learned counsel submits that the suit has been settled out of Court and that the same may be dismissed as withdrawn. Learned counsel has made necessary endorsement in the court records.

2.Suit is dismissed as withdrawn.

3.It is submitted by the learned counsel for the plaintiff that trial has not been commenced and that the

suit is at service stage. On this basis, learned counsel for the plaintiff says that he is entitled to refund of half of court fee as per the applicable statutory provision. Registry is directed to process the application for refund of half of court fee to him.

sd/.M.S.J

22.11.2016

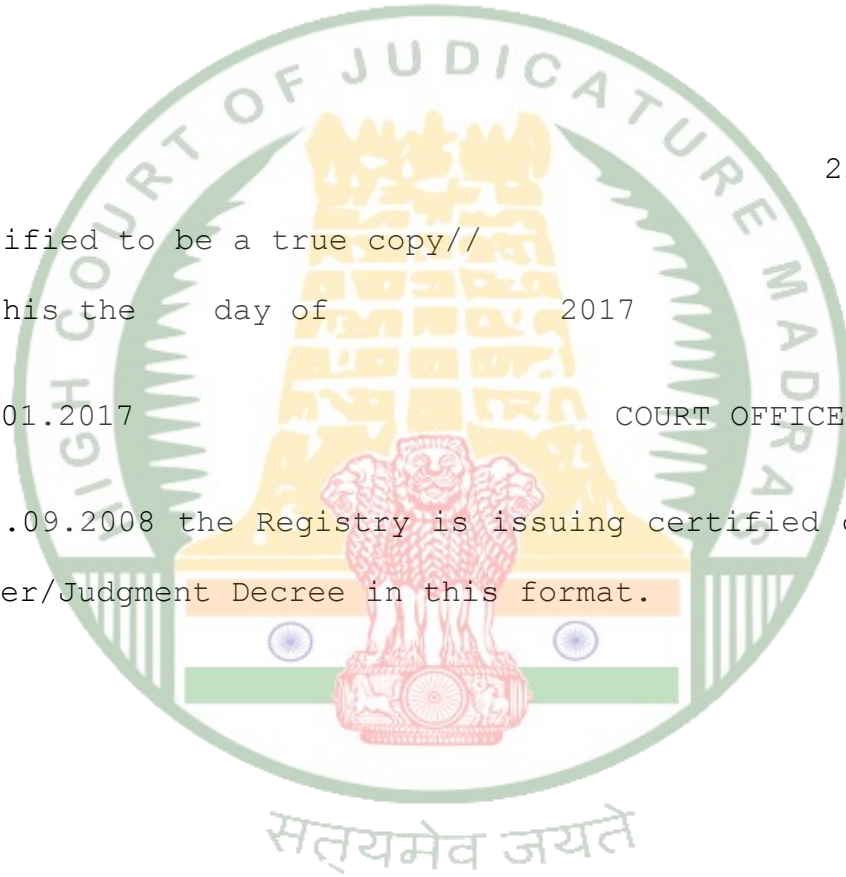
//Certified to be a true copy//

Dated this the day of 2017

R.s/18.01.2017

COURT OFFICER

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



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