

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(NPD).No.3682 of 2010
and
M.P.No.1 of 2010

The Board of Trustees,
Vijaya Hospitals,
Kodambakkam,
Chennai – 600 026.

.. Petitioner

Vs

1.Vilochana Balasubramaniam
2.B.Krishnamurthy
3.B.Ganesan
4.B.K.Sundar

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the Fair and Decreetal Order dated 05.08.2010 passed in E.A.No.2610 of 2010 in E.P.No.1463 of 2009 in O.S.No.3126 of 1996, on the file of the IX Assistant City Civil Court, Chennai.

For Petitioner : Mr.T.S.Baskaran
For Respondents : Mr.G.Anbumani (for R1, R2 and R4)
R3 - No Appearance

ORDER

A joint memo of compromise dated 16.08.2016 has been filed by both the parties. Originally, the suit was filed by the plaintiffs against the 5th defendant. Out of five defendants, the 5th defendant viz., The Board of Trustees was set exparte and the exparte decree was passed on 15.02.2010 and the Execution Petition was proceeded against the 5th defendant. Hence, an Interlocutory Application was filed to set aside the exparte order in E.P.No.1463 of 2009, on the file of IX Assistant City Civil Court, Chennai and the same was dismissed, against which the present civil revision petition has been filed by the petitioner / Judgment Debtor.

2.While pendency of the above civil revision petition, the petitioner / 5th defendant and respondents 1 to 4 / plaintiffs 1 to 4 were entered into compromise and the petitioner / 5th defendant has paid a sum of Rs.5,00,000/- as full and final settlement, which was agreed by the respondents / plaintiffs 1 to 4. To that effect, both the parties were entered a joint memo of compromise dated 16.08.2016 and the same is filed before this Court.

3.In which of this Court while ordering notice in this Civil Revision Petition on 21.10.2010, this Court directed the petitioner to give bank Guarantee for a sum of Rs.4,60,000/- within a period of two weeks from the date of receipt of a copy of this order and grant an order of interim stay and the petitioner also complied the same. While closing the civil revision petition, the Court below is hereby directed to release the above bank guarantee with accrued interest thereon to the petitioner.

4.Recording the said memo dated 16.08.2016, this Civil Revision Petition is closed. The said compromise memo shall be form part of the order. No costs. Consequently, connected Miscellaneous Petition is closed.

29.08.2016

vs

Note:Issue order copy on 31.08.2016.

Index: Yes/No

Internet: Yes/No

To

The IX Assistant City Civil Court,
Chennai.

M.V.MURALIDARAN.J.,

VS

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