

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.11.2016

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.680 of 2003
& A.No.3068 of 2005

Sirishkumar Brothers
rep. by its Partner
Sirishkumar Bafna

.. Plaintiff

Versus

1.Mrs.Prabhavathi Gowthami
2.C.Balakrishnan

.. Defendants

The plaint is filed and numbered as Civil Suit under Order XXXVII Rule 1 of O.S. Rules r/w Order XXXIV, Rule 1 of CPC praying for a judgment and decree:

- (a) for a sum of Rs.18,22,186/- with further interest on Rs.5,96,500/- at 21% per annum from the date of plaint till realisation;
- (b) to pay the abovesaid sum within such time as maybe fixed by this Hon'ble Court;
- (c) for a Mortgage Decree over the Schedule mentioned property;
- (d) that in default of the payment of the amount as per clause (a) within such time as may be fixed in clause (b), the schedule mentioned property be brought for sale by Public Auction and after defraying the expenses of such public auction, credit the balance to the credit of the suit.

- (e) if the proceeds of the sale of the schedule mentioned property falls short of the decree amount, costs and other incidentals, to direct the defendants to personally pay the balance within such time as maybe fixed by this Court.
- (f) for costs of the suit.

For Plaintiff : Mr. Willson Topaz
 For Defendants : No Appearance

JUDGMENT

Today, when the matter is taken up for hearing, the learned counsel for the plaintiff has stated that the matter is settled out of Court and seeks permission of this Court to withdraw the suit and he has also made an endorsement to that effect.

2. In view of the settlement arrived between the parties out of Court, the suit is dismissed as settled out of Court. The refund of court fee shall be made to the plaintiff as per the provisions in law. Consequently, the connected application is closed

29.11.2016

Index: Yes/No
 Internet: Yes/No
 pvs

N.Sathish Kumar, J.,
pvs

C.S.No.680 of 2003
& A.No.3068 of 2005

29.11.2016