

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.1973 of 1995

Dena Bank
G.T.Branch
Rep. by Senior Manager

... Plaintiff

Versus

1. Sri. Venkateswara Silk Mills,
Rep. by its Managing Partner
2. G.Kuppuswamy
3. K.Suryakumari
4. K.Venkatesh
5. K.Munuswamy

... Defendants

Plaint filed under Order IV Rule 1 of Original Side Rules Order 34 Rule 1 of CPC read with Order VII Rule 1 of C.P.C. prays (i) Directing the defendants to pay a sum of Rs.4,96,896/- within a period to be stipulated by this Hon'ble Court along with interest on the principal sum of Rs.489427/- at 20.75%, with quarterly rests: (ii) In the event of the failure on the part of the defendants to pay the said amount within the period stipulated, to bring the mortgaged properties for sale and to appropriate the sale proceeds after defraying with the sale expenses. (iii) In the event of the sale proceeds not being sufficient to meet the amount to be decreed, to pass a personal decree against the defendants. (iv) To pass a charge

decree over the plant machinery and materials appended to schedule 'C' to the plaint, subject to the of Tamil Nadu Industrial Investment Corporation Limited. (v) direct the defendants to pay the costs of the suit (vi) grant such further or other reliefs as this Hon'ble Court may deem fit and proper.

For Plaintiff : Mr.G.R.Lakshmanan

J U D G M E N T

The learned counsel for the plaintiff has made the following endorsement:

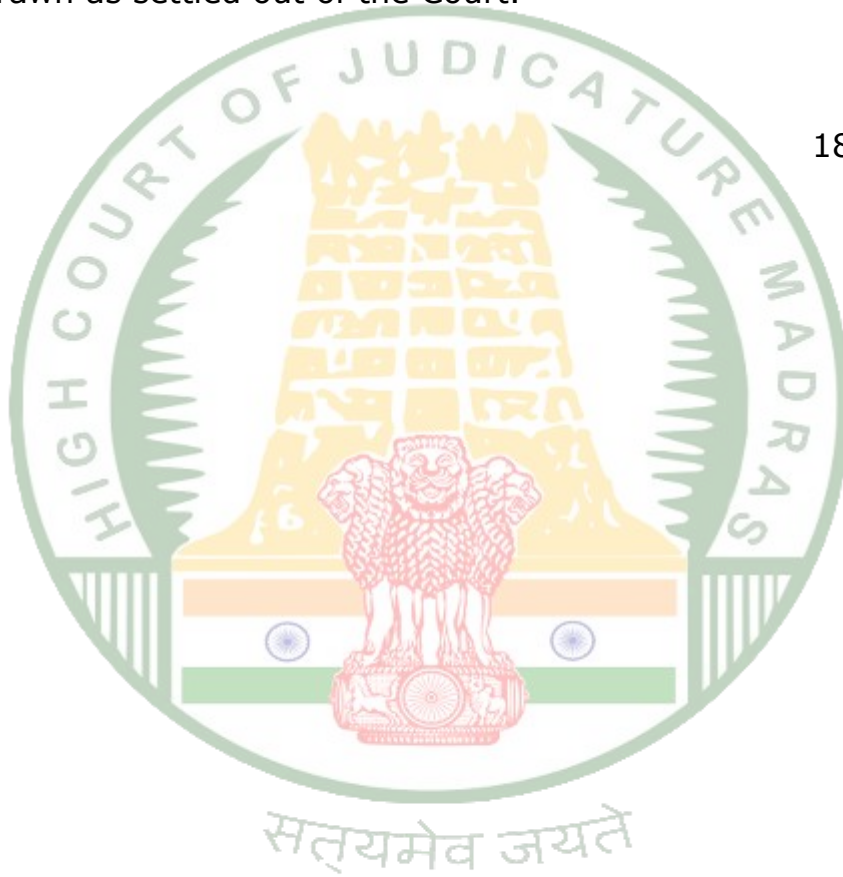
"The suit has been settled out of Court. The suit may be dismissed as settled out of Court. Court fee paid may be ordered to be refunded. The documents relating to the mortgaged property listed in schedule 'B' to the plaint may be ordered to be returned to the plaintiff's counsel so as to hand over to same to the plaintiff for enabling them to return the same to the mortgagors."

2. In view of the same, the suit is dismissed as withdrawn as settled out of the Court. The refund of entire Court fees has to be granted.

3. It is also represented that the original documents had been filed along with the plaint. The Registry is directed to return the same, after obtaining copies of the documents to the learned counsel for the plaintiff under proper acknowledgment. The suit is dismissed as withdrawn as settled out of the Court.

18.09.2017

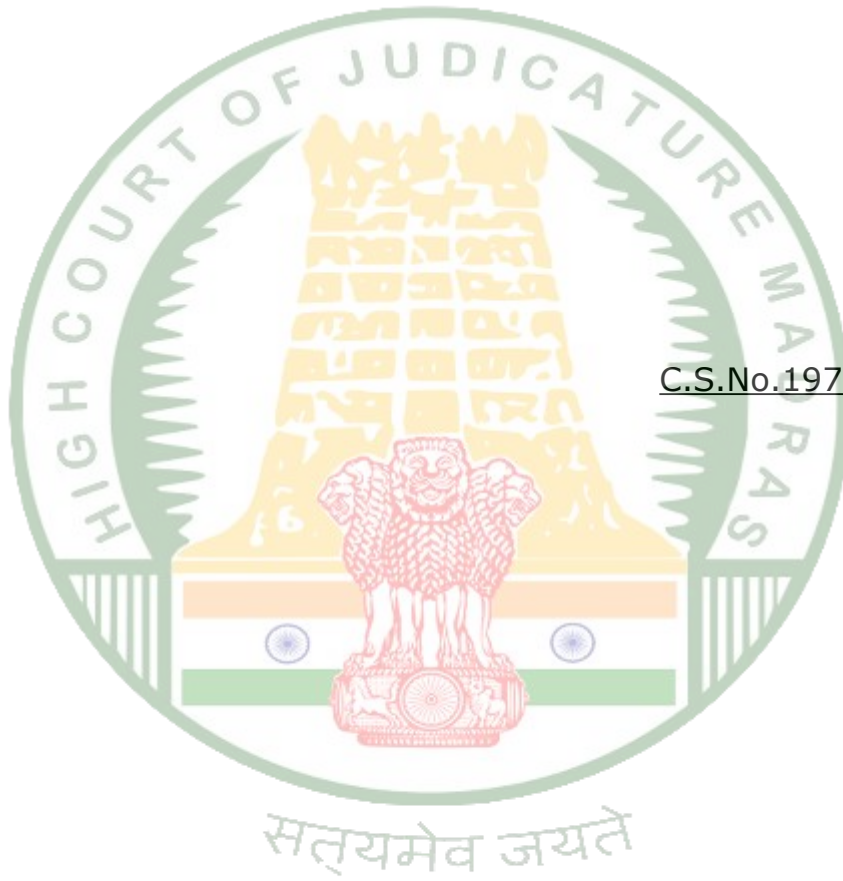
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C.V.KARTHIKEYAN, J.

sjj



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