

Application No.2764 of 2017
in
C.S.No.883 of 2016

K.KALYANASUNDARAM, J

This application is filed by the applicant/plaintiff for a direction for payment of Rs.23,00,000/- in their favour namely Ardee Building Boards Pvt. Ltd. from and out of the sum of Rs.35,44,245/- deposited by the first respondent to the credit of the suit .

2. It is submitted by the learned counsel for the applicant/plaintiff that pursuant to the order of attachment passed by this Court in Application No.6140 of 2016, the first respondent undertook to furnish security for the entire suit claim of Rs.35,44,245/- and accordingly, a demand draft bearing No. 431502 dated 22.11.2016 was drawn in favour of the Registrar General of this Court for the said sum.

3. Subsequently, on 11.01.2017 when the case was taken up for hearing, this Court directed the parties to explore the possibility of a settlement by way of Mediation and thereafter, the first defendant agreed to

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pay Rs.23,00,000/- and the plaintiff consented to received the amount as full and final settlement and it was also recorded by this Court on 15.03.2017. As per the compromise entered into between the parties, the applicant may be permitted to withdraw the amount of Rs.23,00,000/- and the balance amount may be permitted to be withdrawn by the first defendant.

4. The learned counsel for the first respondent has no objection for allowing the application.

5. Accordingly, this application is ordered. The Registry is directed to issue a cheque for Rs.23,00,000/- in the name of the plaintiff/applicant and the balance sum of Rs.12,44,245.64 shall be paid to the first defendant/first respondent by issuing a cheque in the name of M/s.Maersk Line India Pvt. Ltd.

28.04.2017

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Note : Issue Order copy by .05.2017

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