

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE Mr. JUSTICE M.SUNDAR

O.S.A.Nos.272 & 266 of 2017
and CMP.Nos.17727 & 17282 of 2017

S.Muruganantham .. Appellant in
both appeals/1st Respondent in O.A. No 677/17
Applicant in O.A. No 457/2017.

Vs

1. Galada Finance Limited,
rep. by its Manager G.Ramesh,
Having its registered office at
Shanthi Sadan, Old No.4,
New No.7, Shaffee Mohammed Road,
Thousand Lights,
Chennai - 600 006.

2. M.Sudalikan

3. The Regional Transport Officer,
Chennai West,
1, Bharathidasan Colony,
Mambalam Taluk Office Complex,
K.K.Nagar, Chennai - 600 078.

.. Respondents in
OSA.No.272/2017/Applicant/2nd Respondent

Galada Finance Limited,
rep. by Authorised Signatory,
Shanthi Sadan,
4/7, Shaffee Mohammed Road,
Thousand Light,
Chennai - 600 006.

.. Respondent in
OSA.No.266/2017/Respondent in O.A. No 457/2017.

Original Side Appeal No.272 of 2017 filed under Order XXXVI,
Rule 9 of Original Side Rules read with Clause 15 of Letters
Patent against the order dated 05.09.2017 in Application No.4814
of 2017 in O.A.No.677 of 2017 on the file of this Court.

Prayer in Application No 4814 of 2017:

Application praying that this Hon'ble Court be pleased to direct the 3rd respondent to accept the Form No.35 regarding a car bearing Registration No.TN-09-BL-2405 so that the applicant can deposit the sale consideration before this court in A.No.2597 of 2017 on the file of this court in compliance of the common order dated 11/07/2017 in O.A.No.457 and 677 of 2017 and Appl.Nos.2597 and 3618/2017.

Prayer in O.A. No 677/2017:

Original Application praying that this Hon'ble Court be pleased to pass an order of injunction restraining the respondents his men agents servant family members staff etc. whomsoever from damaging or destroying or tampering or taking illegal possession of Maruthi Suzuki Swift Dezire Car bearing Registration No.TN-09-BL2405 having chassis No.MA3FSEBIS00407799 and Engine No.D13A1700070 except under due process of law.

Original Side Appeal No.266 of 2017 filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 11.07.2017 in O.A.No.457 of 2017 and A.No.2597 of 2017 on the file of this Court.

Prayer in O.A. No 457/2017:

Original Application praying that this Hon'ble Court be pleased to grant an order to interim injunction restraining the respondent or his men or agents from selling a four wheeler maruthi swift dzire car bearing registration no.tn.-09-bl-2405 chasis no.4 engine no.MA3FSEB1S00407799 purchased by the applicant under the hire purchase agreement with the respondent bearing No FGL 3519 dated 25/04/2014 pending the disposal of the application.

Prayer in A. No 2597/2017:

Application praying that this Hon'ble court be pleased to direct the respondent to redeliver a four wheeler, Maruthi Swift Dzire, car bearing registration No TN-09-BL-2405 chesis No 4, Engine No MA 3 FSEB IS00407799 purchased by the applicant under the fire purchase agreement with the respondent bearing No Gpl 3519 dated 25.07.2014 which was illegally taken away by the respondent on 07.03.2017 without any notice to the applicant.

For Appellant .. Mr.Sharath Chandran in O.S.A.272/17
Mr.C.D. Johnson in O.S.A. 266/17.

For Respondents .. Mr.T.Mohan
for Ms.Vijayalakshmi for R1
in OSA.No.272/2017 &
respondent in OSA.No.266/2017

COMMON JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

When these appeals were taken up for hearing on 25.10.2017, a settlement has been arrived at between the parties that an amount of Rs.2,87,500/-, which is a sale consideration after effecting sale of the vehicle, may be taken as full and final settlement.

2. Today, Mr.T.Mohan, learned counsel appearing for the first respondent in O.S.A.No.272 of 2017 and the sole respondent in O.S.A.No.266 of 2017 fairly submits that the respondent is agreeable for full and final settlement.

3. Learned counsel for the appellant has also agreed to the settlement.

4. Accordingly, the appeals stand disposed of by recording settlement that the amount of Rs.2,87,500/-, which is a sale consideration in pursuance of the sale effected over the subject vehicle, which is pending on the file of this Court, may be taken as full and final settlement payable by the appellant. It is made clear that henceforth both the parties would not have any claim against each other. Registry is directed to return the amount of Rs.2,87,500/- to the first respondent in O.S.A.No.272 of 2017. No costs. Consequently, C.M.P.Nos.17727 & 17282 are closed.

s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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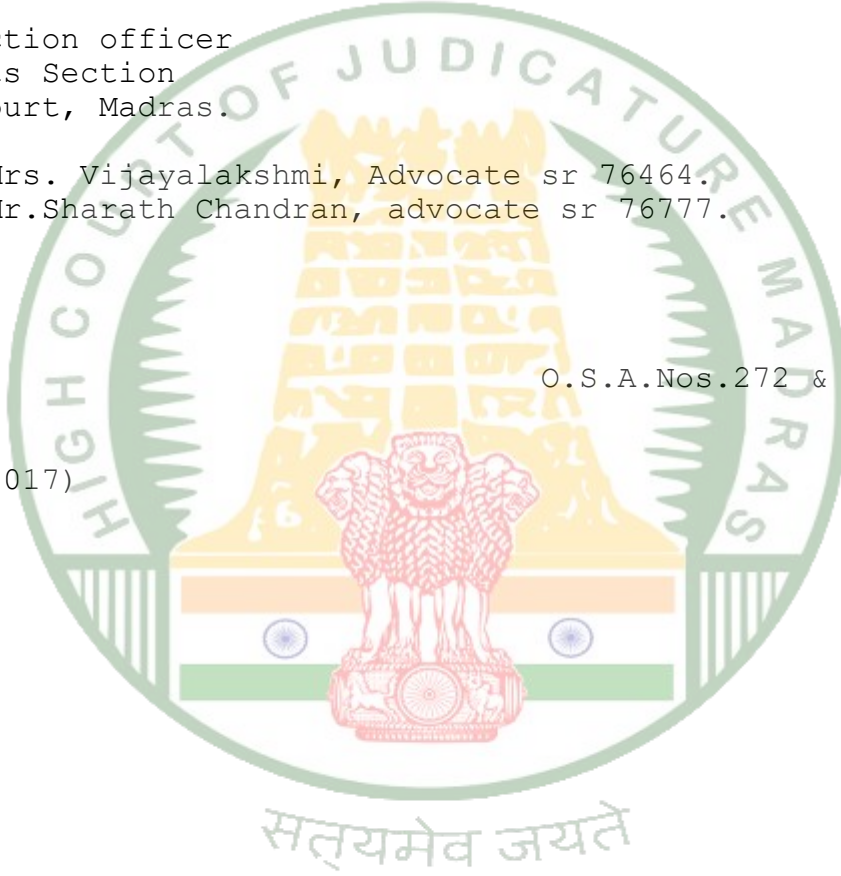
To

1. The Regional Transport Officer,
Chennai West,
1, Bharathidasan Colony,
Mambalam Taluk Office Complex,
K.K.Nagar, Chennai - 600 078.
2. The Sub Assistant Registrar,
Original Side, High Court, Madras.
3. The Section officer
Accounts Section
High Court, Madras.

+1 CC to Mrs. Vijayalakshmi, Advocate sr 76464.
+1 CC to Mr.Sharath Chandran, advocate sr 76777.

O.S.A.Nos.272 & 266 of 2017

SKV(CO)
SP(13/11/2017)



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