

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.106 of 2015
& A.No.2099 of 2017

Mrs.Sandhya Mehta
Proprietrix of Sandhya & Co.

... Plaintiff

Vs

1. M/s. Gati Limited,
Managing Director.
2. M/s. Gati Limited,
Rep by its Authorized Signatory,
Mr. Dinesh Jaiswal,

... Defendants

PRAYER: Plaint is filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 of CPC, praying for judgment and decree on the following terms:

- a) Directing the defendants jointly and severally to pay the plaintiff a sum of Rs.26,68,774/- (Rupees Twenty Six Lakhs Sixty Eight Thousand Seven hundred and Seventy Four Only) together with interest @ 18% p.a for principal Rs.15,00,000/- (Rupees Fifteen Lakhs Only) from the date of plaint till the date of realization in full;
- b) Directing both the Defendants jointly and severally to pay the Plaintiff, the entire costs of the suit.

For Plaintiff : Mr.D.Senthilkumaar

For Defendants : M/s. Inthu Karunakaran

JUDGMENT

The learned counsel for the plaintiff as well as the learned counsel for the defendants would submit that the suit has been filed for recovery of sum of Rs.26,68,774/- (Rupees Twenty Six Lakhs Sixty Eight Thousand Seven Hundred and Seventy Four Only). There was a settlement between the parties, in and by which, the plaintiff has agreed to receive Rs.15,00,000/- (Rupees Fifteen Lakhs Only) as full and final settlement of the suit claim and a Demand Draft, dated 19.04.2017 bearing No.905702 drawn on DCB Bank, Chennai Branch, was given to the plaintiff. A joint compromise memo dated 21.04.2017 signed by the parties as well as the counsel, is filed to that effect, which reads as follows:

- i) The first defendant this day has paid sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) by Demand Draft dated 19.04.2017 bearing No.905702 Drawn on DCB Bank, Chennai branch towards Full and Final Settlement of all the claims of the plaintiff against the defendants.
- ii) The plaintiff hereby acknowledges the receipt of sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) from the first defendant and record full satisfaction in the above suit. Henceforth, there is no other outstanding payable by the defendants to the plaintiff.

iii) The plaintiff and first defendant therefore pray this Court may be pleased to record this Joint Memo of Compromise in the above Civil Suit and consequently to dismiss the suit as withdrawn in terms of the joint memo of compromise filed in the above suit.

2. The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw the Civil Suit and he has also made the following endorsement to that effect:

Parties to the suit, on negotiation, the first defendant paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) towards full and final settlement in the above suit, vide a Demand Draft, dated 19.04.2017 bearing No.905702 for Rs.15,00,000/- (Rupees Fifteen Lakhs Only) drawn on DCB Bank, Chennai pay the plaintiff. Hence the above suit may be dismissed as withdrawn as settled out of Court.

3. Recording the above submissions and endorsement made by the learned counsel for the plaintiff, the Civil Suit is dismissed as withdrawn. The joint Memo of Compromise shall form part of the decree. No costs. Consequently, connected application is closed.

21.04.2017

dh/pvs

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

K.KALYANASUNDARAM, J.,
pvs

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