

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD) NO.4039 OF 2016

AND

CMP NO.20410 OF 2016

Selvaraj @ S.S.Raj ... Petitioner

Vs.

P.V.Sree Dinesh ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 14.07.2015 passed by the learned XII Assistant Judge, City Civil Court, Chennai, in I.A.No.6023 of 2015 in O.S.No.1785 of 2012.

For Petitioner : Mr.M.Naraayanaswamy
For Respondent : Mr.T.N.Sugesh

ORDER

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This Civil Revision Petition is directed against the order dated 14.07.2015 passed in I.A.No.6023 of 2015 in O.S.No.1785 of 2012 by the learned XII Assistant Judge, City Civil Court, Chennai.

2. Heard the submissions made on either side and perused the materials available on record.

3. The parties have arrived at a mutual agreeable settlement and filed a joint memorandum of compromise dated 22.09.2017, which reads as under:

"MEMORANDUM

It is respectfully submitted as follows:-

It is submitted that in the suit, namely, O.S.No.1785 of 2012, filed by the respondent above named, the Hon'ble XII Assistant City Civil Court at Chennai was pleased to pass a Judgment and Decree on 27.09.2012 directing the petitioner herein to pay a sum of Rs.9,94,500/- together with interest thereon at the rate of 12% per annum for Rs.9,75,000/- from the date of the plaint, that is, 19.03.2012 till the date of decree and 6% subsequent interest till the date of realization and costs of Rs.84,483/-.

It is submitted that now the parties above named have arrived at a settlement whereby the petitioner has agreed to pay and the respondent has agreed to receive a

sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) towards full and final settlement of all amounts payable as per the aforesaid decree. It is further agreed that neither of the parties shall have any claims, including counter claims or any other claims against each other henceforth in pursuance of the aforesaid Decree or otherwise.

It is submitted that pursuant to the interim order passed in the above C.R.P the petitioner herein has deposited a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) in the suit account, namely, O.S.No.1785 of 2012. The petitioner and the respondent have now agreed that the respondent herein, namely, P.V.Sree Dinesh shall withdraw the said sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) in pursuance of the aforesaid settlement, towards the amount payable to him. The petitioner shall also make necessary endorsements or application, if required for the purposes of such withdrawal of the said amounts by the respondent herein.

Further, in pursuance of the Decree aforesaid in O.S.No.1785 of 2012 the respondent / plaintiff had filed

E.P.No.767 of 2013 and an order of attachment of the immovable properties of the petitioner herein and comprised in R.S.No.388/7A1 & 388/6 in Thumbakodu Village, Kallakulam Taluk, Kanyakumari District was passed and subsequently made absolute and the said attachment has also been registered in the office of the concerned Sub-Registrar. Now, in view of the aforesaid settlement recorded above, the order of attachment dated 21.01.2014 in E.P.No.767 of 2013 in O.S.No.1785 of 2012 may be raised and the aforesaid property belonging to the petitioner may be rendered free from such attachment. The respondent shall also intimate this compromise to the office of the Sub Registrar for the purpose of raising and cancelling the order of attachment mentioned above.

It is therefore prayed that this Hon'ble Court may be pleased to record this memorandum and further permit the respondent / plaintiff herein to withdraw the sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) deposited as above and pass such further or other orders as this Hon'ble Court may be pleased to deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai this 22nd day of September 2017."

4. By way of order dated 27.09.2012 in O.S.No.1785 of 2012, the petitioner herein was directed to deposit a sum of Rs.10,00,000/-. Now, by virtue of the above settlement, the petitioner / defendant agrees for withdrawal of the amount by the respondent / plaintiff. The respondent / plaintiff has also agreed that he will not claim any further amount. Further, the respondent / plaintiff undertakes to take necessary steps to cancel the order of attachment registered before the Sub Registrar's office, Kanyakumari.

5. Recording the compromise, on the above terms, the suit is decreed. The Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

सत्यमेव जयते

22.09.2017

Index : Yes/No

Internet : Yes/No

Note : **Issue order copy on 03.10.2017**

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M.GOVINDARAJ, J.
TK

To

The XII Assistant Judge
City Civil Court,
Chennai.



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