

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED :01.10.2018****CORAM :****THE HONOURABLE MR. JUSTICE M.S.RAMESH.J,****C.R.P.(NPD) No.4137 of 2015**

M/S Binny Limited
 having its Registered Office at
 No.1, Cooks Road,
 Chennai.

... Petitioner

-VS-

1. M/S Arjun Chemicals Pvt.Ltd.
 Rep. by its Director,
 Park View, 2nd Floor, No.94
 GN Chetty Road, Chennai.

2. M/s.S.V.Global Mill Limited
 No.5/1, C.I.T. Colony,
 6th Cross Street, Mylapore,
 Chennai-600 004.

... Respondents

(R2 implied as per the order of
 this Court dated 01.10.2018)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside Order dated 27.03.2014 made in CMP.No.1280 of 2013 in ASSR No.49152 of 2013 on the file of Principal City Civil Court, Chennai.

For Petitioner :M/s.P.Saravana Sowmiyan

For Respondents :Mr.R.Venkataraman - For R1
 :Mr. S.Vasudevan - For R2

ORDER

The prayer sought for in the present revision is to set aside the order dated 27.03.2014 made in CMP.No.1280 of 2013 in ASSR No.49152 of 2013 on the file of Principal Judge, City Civil Court, Chennai.

2. Pending civil revision petition, all the parties of the suit have amicably resolved the dispute among themselves. To this effect, a Joint Memo of compromise dated 10.09.2018 is filed before this Court today, which reads as follows;

"1. It is respectfully submitted that the respondent/plaintiff herein filed a suit in O.S.No. 6206 of 2008 on the file of XV Assistant Judge, City Civil Court, Chennai for recovery of a sum of Rs.4,90,581/- as compensation with 24% interest per annum from the date of cause of action and till date of realization of the suit amount as claimed. The trial Court by judgment & decree dated 12.11.2010 allowed the suit by directing the petitioner/defendant to pay the suit amount as claimed.

2. It is respectfully submitted that aggrieved by the same the petitioner/defendant preferred First Appeal before the Principal Judge, City Civil Court, Chennai in AS.SR.No.49152 of 2012 with the petition in CMP.No.

1280 of 2013 to condone the delay of 1047 days in preferring the First Appeal. The said petition was dismissed on 27.03.2014 and against the same the above Civil Revision Petition is preferred.

3. It is respectfully submitted that when the above CRP came up for admission this Hon'ble Court by order dated 16.10.2015 directed the petitioner/defendant to deposit 50% of decree amount. Accordingly, the petitioner/defendant deposited Rs.7,17,527/- to the credit of E.P. No. 1036 of 2013 on the file X Assistant Judge, City Civil Court, Chennai in O.S. No. 6206 of 2008 on the file XV Assistant Judge, City Civil Court, Chennai.

4. It is respectfully submitted that the petitioner/defendant and the respondent/plaintiff have entered into a compromise and the respondent/plaintiff hereby agrees to receive a sum of Rs.10,00,000/- from the petitioner/defendant towards the full and final settlement of the claim made by the respondent/plaintiff against the petitioner/defendant.

5. It is respectfully submitted the petitioner/defendant has already deposited a sum of Rs.7,17,527/- in compliance to the order of this Hon'ble Court and the respondent/plaintiff shall withdraw Rs.7,17,527/- lying to the credit of E.P. No.1036 of 2013 on the file of X Assistant Judge, City Civil Court, Chennai in O.S. No.

6206 of 2008. The balance amount of Rs.2,82,473/- agreed is paid herewith through demand draft bearing no. 008204 dated 05.09.2018 drawn on Axis Bank Limited. The order of attachment granted in E.P. No.1036 of 2013 on the file of X Assistant Judge, City Civil Court, Chennai shall be vacated and the same may be reported to the concerned Sub Registrar.

6. The respondent/plaintiff hereby declares that there is no further or other claims from the petitioner/defendant."

3. In terms of the said joint memo of compromise, the petitioner has also produced a demand draft bearing number 008204 dated 05.09.2018 drawn on Axis Bank Limited for a sum of Rs.2,82,473/-, which is the balance amount of the settlement. The said demand draft has been handed over to the learned counsel for the first respondent, who acknowledged the receipt of the same.

4. As per the joint memo of compromise, the first respondent is entitled for withdrawal of the amount of Rs.7,17,527/-, which is lying in the deposit to the credit of O.S.No.6206 of 2008. Hence, the 1st respondent/plaintiff is permitted to file an appropriate application seeking for withdrawal of deposit of Rs,7,17,527/- lying to the credit of O.S. No.6206 of

2008 before the trial Court. On receipt of such an application, the learned X Assistant Judge, City Civil Court, Chennai shall pass appropriate orders, permitting the 1st respondent/plaintiff to withdraw the said amount.

5. Such an exercise shall be completed within one week from the date of receipt of a copy of this order.

6. In view of the terms of the settlement, the order of decree granted in E.P. No. 1036 of 2013 on the file of the X Assistant Judge, City Civil Court, Chennai shall stand vacated. The order raising attachment shall be communicated to the concerned Sub Registrar.

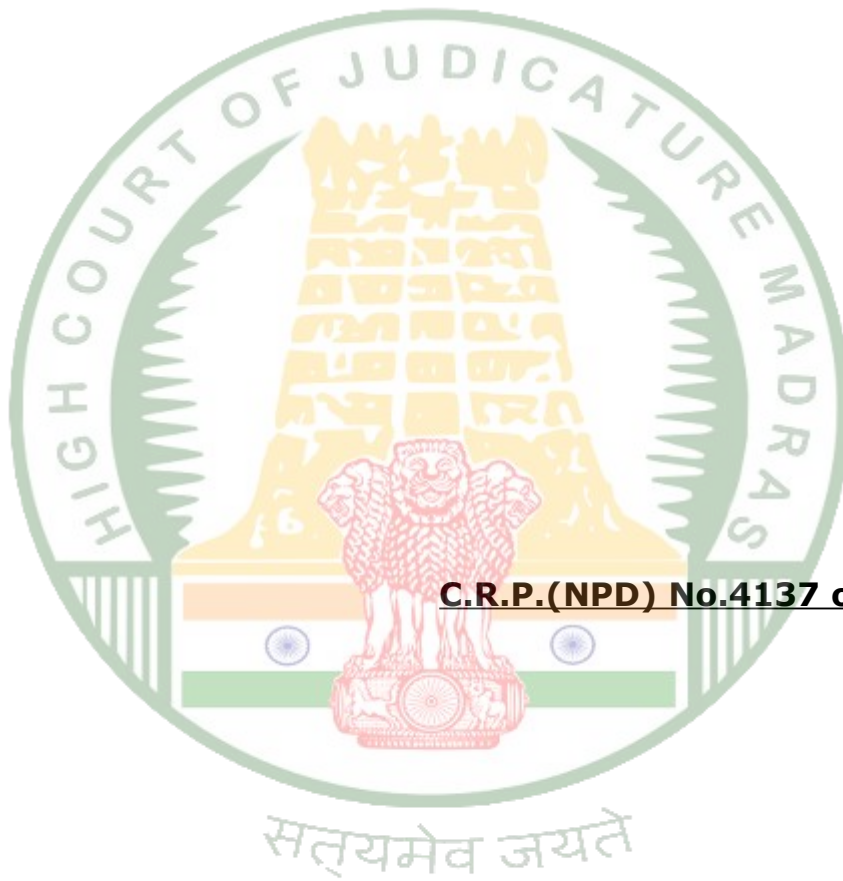
With the above directions, the Civil Revision Petition stands disposed of. No Costs. The joint memo of compromise dated 10.09.2018 shall form part of the order.

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Index : Yes/No
Speaking/non-speaking order
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M.S.RAMESH, J.

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