

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.304 of 2015

M/s. Envirotech Services
(PROPERTY & Facilities Management)
Rep. by its Accounts Head /
Authorized Signatory Mr.S.Vadivelu,
Son of Seenuvasan,
No.9, Abdul Razak Second Street,
Saidapet, Chennai - 600 015.

... Plaintiff

Vs

1. M/s.RAMEE MALL,
Established & Run by M/s.RAMANI HOTELS LIMITED,
Rep. by its Director Santosh R.Shetty,
No.365, Anna Salai,
Teynampet,
Chennai - 600 018.
2. Mr.Santosh R.Shetty,
Director,
M/s.RAMEE MALL,
Established & Run by M/s.RAMANI HOTELS LIMITED,
No.365, Anna Salai,
Teynampet, Chennai - 600 018.
3. Mr.Suresh Menon,
S/o. late Narayanan,
Manager, M/s.RAMEE MALL,
No.365, Anna Salai,
Teynampet, Chennai - 600 018.

... Defendants

Plaint filed under Order IV Rule 1 of O.S. Rules r/w Order VII Rule 1 of CPC, praying for judgment and decree as follows:

- a) Directing the defendants jointly and severally to pay to the plaintiffs a sum of Rs.27,12,400/- (Rupees Twenty Seven Lakhs Twelve Thousand Four Hundred Only) with 12% interest from the date of Plaint to till the date of realization; and
- b) Directing the defendants to pay the costs of the suit.

For Plaintiff : Mr.Krishna Prasad
for M/s.Sarvabhauman Associates
For Defendants : Mr.T.Thiageswaran
for M/s.Waraon and Sairams

JUDGMENT

The suit has been filed for a direction to the defendants to pay to pay the plaintiff a sum of Rs.27,12,400/- together with interest at 12% from the date of plaint till the date of realization.

2. The learned for the plaintiff and the learned counsel for the defendants would state that the dispute between the parties has been amicably settled and a joint memo of compromise, dated 01.12.2018 signed by both the parties and their counsel, has also been filed. Today, the parties along with their counsel, are present before this Court. The terms of the compromise reads as follows:

- a) *The defendants paid a sum of Rs.20,00,000/- by way of two Demand Drafts dated 02.11.2018 for a sum of Rs.5,00,000/- DD bearing No.850757149 and another sum of Rs.15,00,000/- DD bearing No.850757156 drawn on Indian Overseas Bank payable at Chennai to the Plaintiff towards the full and final settlement of the claim made under C.S.No.304 of 2015 by the plaintiff.*
- b) *The plaintiff agreed to withdraw the above C.S.No.304 of 2015 as the same is settled out of Court.*
- c) *The plaintiff also agreed to give consent to raise the order of attachment made in Application No.5156 of 2016, dated 19.06.2012 and also will co-operate in all manner to remove the entry made in the Encumbrance Certificate if any before the SRO Chennai Central Joint-I, Chennai.*

3. The learned counsel for the defendants would state that during the pendency of the suit, property of the defendants has been attached in an Application in A.No.5156 of 2016, by an order dated 19.06.2018 and the same was recorded in the Sub Registrar Office. In view of the settlement between the parties, the attachment has to be raised. The learned counsel for the plaintiff has no objection and hence, the attachment made by this Court in the above application stands vacated.

4. The joint memo of compromise is recorded. In view of the compromise, the suit is dismissed as settled out of Court. Registry is directed to refund the necessary court fee to the plaintiffs. No costs.

05.12.2018

Index : Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

Note: Issue order copy on or before 10.12.2018

pvs

To

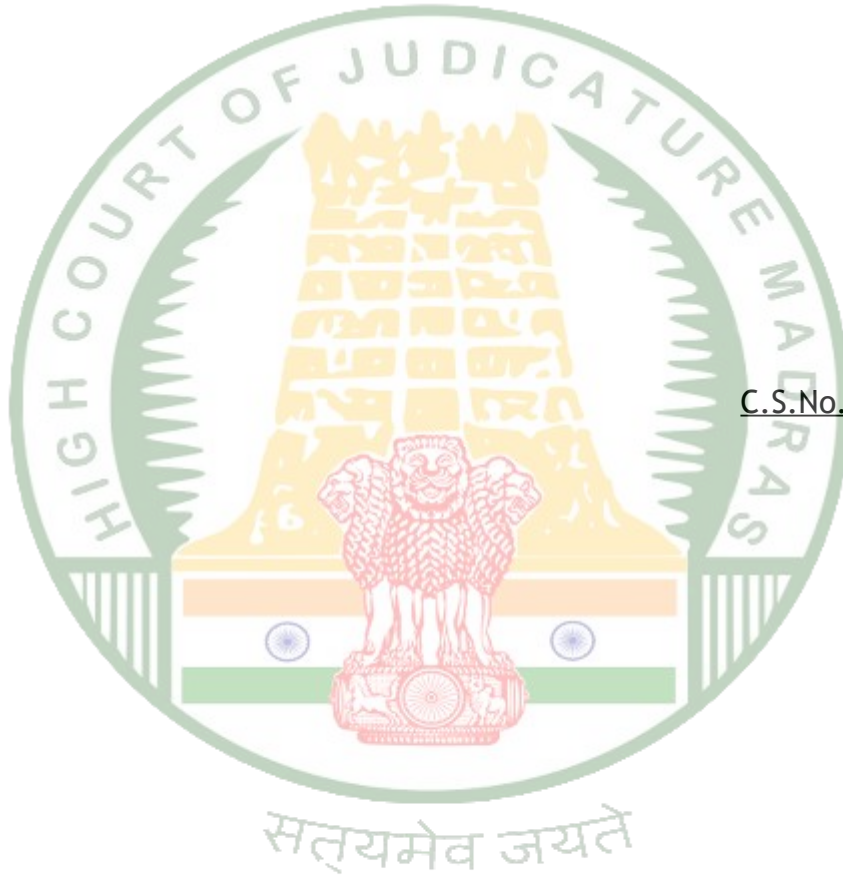
The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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K.KALYANASUNDARAM, J.,

pvs



C.S.No.304 of 2015

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