

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Review Application No.226 of 2017
in C.R.P(NPD). No.551 of 2012

P.Raju

..Petitioner

Vs.

1.The Deputy Registrar of
Co-operative Societies
Paramathi Road,
Thiruchengodu
Namakkal District.

2.V.Govindasamy

3.A.Viswanathan

4.S.Palanisamy

5.The Special Officer
S.909, Anangoor Primary
Agricultural Co-Operative Bank,
Anangoor,
K.Ayyampalayam – via
Paramathi Velur – Taluk
Namakkal District.

..Respondents

PRAYER: Review Application filed under Order 47 Rule 1 & 2 read with Section 114 of C.P.C, to review the order dated 06.10.2017 made in C.R.P(NPD).No.551 of 2012 on the file of this Court.

For Petitioner : Mr.Krishna Srinivasan
for M/s.Sai Raaj Associates

For R1 & R5 : Mr.L.P.Shanmugasundaram

For R2 & R3 : No Appearance

For R4 : Not ready in notice

ORDER

This Review Petition is filed to review the order dated 06.10.2017 made in C.R.P(NPD).No.551 of 2012 on the file of this Court.

2.In the present Review Petition, the petitioner offered to pay 1/4th of the surcharge amount as full and final settlement of his liability and prayed for waiver of interest.

3.This Court, considering the offer of the petitioner to pay 1/4th of the surcharge amount which is substantial amount, directed the respondents 1 and 5 to accept the same as full and final settlement together with interest at 10% per annum, instead of 12% per annum in respect of liability of petitioner.

4.Today, when the matter is taken up for hearing, the petitioner and first respondent are present along with their respective counsel. Heard the learned counsel for the petitioner as well as the learned

Special Government Pleader for the respondents 1 and 5 and perused the materials available on record.

5.The learned counsel for the petitioner filed a memo and brought four Demand Drafts bearing D.D.Nos.115413, 115382, 115472 and 504204 for sum of Rs.6,00,000/-, Rs.5,00,000/-, Rs.5,00,000/- and Rs.13,40,000/- respectively totaling to a sum of Rs.29,40,000/-, calculating the interest at the rate of 10% per annum for 1/4th of the surcharge amount and handed over the same to Mr.K.Mohammed Saleem, Deputy Registrar(FAC), Tiruchengode through Mr.L.P.Shanmugasundaram, the learned Special Government Pleader for the respondents 1 and 5. The payment is recorded. This payment is taken as full and final settlement of the liability of the petitioner in respect of surcharge order. It is open to the respondents 1 and 5 to proceed against the other employees to recover the balance amount. This order exonerating the petitioner/one of the employees in Surcharge proceedings on payment of 1/4th of the amount as his share will not be a precedent in other surcharge orders.

6.In view of the payment of Rs.29,40,000/-, the Review Petition is allowed and order dated 06.10.2017 made in C.R.P.(NPD).No.551 of

2012 is set aside and no further order is required in the said Civil Revision Petition. The respondents 1 and 5 are directed to raise the order of attachment of the properties of the petitioner herein. It is open to the petitioner to produce this order before Judicial Magistrate, Paramathi, Namakkal District in C.C.No.61 of 2009.

7.In the result, this Review Petition is allowed. No costs.

20.04.2018

Index : Yes/No
gsa



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V.M.VELUMANI,J.

gsa



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