

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

E.P.No.18 of 2012

and

A.Nos.6921 to 6923, 1890 & 1891 of 2017

Bhaskar Properties Private Ltd.,  
Having its registered office at  
1/1, Camac Street, Kolkata – 700 018  
and also known as 8/1, Middleton Row,  
Kolkata 700 071.

... Decree Holder

Vs.

1.M/s.Global Software Limited  
No.9/12, Lall Bazar Street  
Room No.11, III Floor, Block F,  
Kolkata 700 001.

2.DSQ Holdings Limited  
Rep. by its Director Mr.Shiv Kumar Agarwal  
Having its Registered Office at  
11/1A, Chowringhee Terrace, 'Shah Niketan'  
Kolkatta, 700 020

... Judgment Debtors

**Prayer:** The petition has been filed under Order XIV Rule 8 of the O.S.Rules read with Section 151 C.P.C. Praying to treat the application as urgent, to pass an order of interim stay of the operation of the impugned order dated 05.10.2016 passed by the learned Master in E.P.No.18 of 2012 and of any proceedings in furtherance thereto pending disposal of the present application / appeal.

For Decree Holder : Thriyambak J.Kannan  
for M/s.Hema Srinivasan

For Judgment Debtors : Mr.Rahul Balaji for JD-1

Mr.M.Vaidyanathan  
& V.Gowrisankar for JD-2

Mr.UM.Ravi Chandran for purchaser  
Counsel for Dr.Ramiah Chidambaram

**ORDER**

This petition has been filed against the order passed by the Master on 05.10.2016 for attachment of the suit property.

2.During the appeal, a compromise was arrived between the Decree Holder and the Judgment Debtor and also proposed purchaser of the property and a consent memo has also been filed. Apart from the Judgment Debtor and Decree Holder, one Vinayaka Infrastructure Pvt. Ltd., and Kamadhenu Infrastructure Private Ltd., who had already filed an application to implead themselves in the execution proceedings which was negated, have also signed as signatories in this compromise memo in order to avoid future claims between the parties.

3.Now the proposed purchaser agreed to purchase the suit properties. The Decree Holder has no objection for selling the

property provided the amount is settled. In this regard, a compromise was arrived between the parties and the terms of the consent memo shall form part and parcel of this order. The parties shall abide by the same.

4. In view of the settlement reached between the parties, the order passed by the learned Master on 05.10.2016 is to be interfered and accordingly set aside and the attachment pursuant to the order passed by the learned Master is liable to be raised. Accordingly, the petition is allowed and the order passed by the Master is set aside and the attachment effected on the property is raised and Registry is directed to communicate the order for raising attachment to the concerned Registrar Office.

5. It is also to be noted that all the parties / signatories to the compromise memo also present in this Court. They have also acknowledged having entered into a compromise and signed the compromise consciously.

6. In view of the above, the petition is disposed of with the terms of the consent memo filed by the parties on 18.04.2018.

Registry is directed to communicate the order to the Sub Registrar Office within a week from today and post the matter for compliance on 04.06.2018. No costs. Consequently, connected applications are closed.

kas

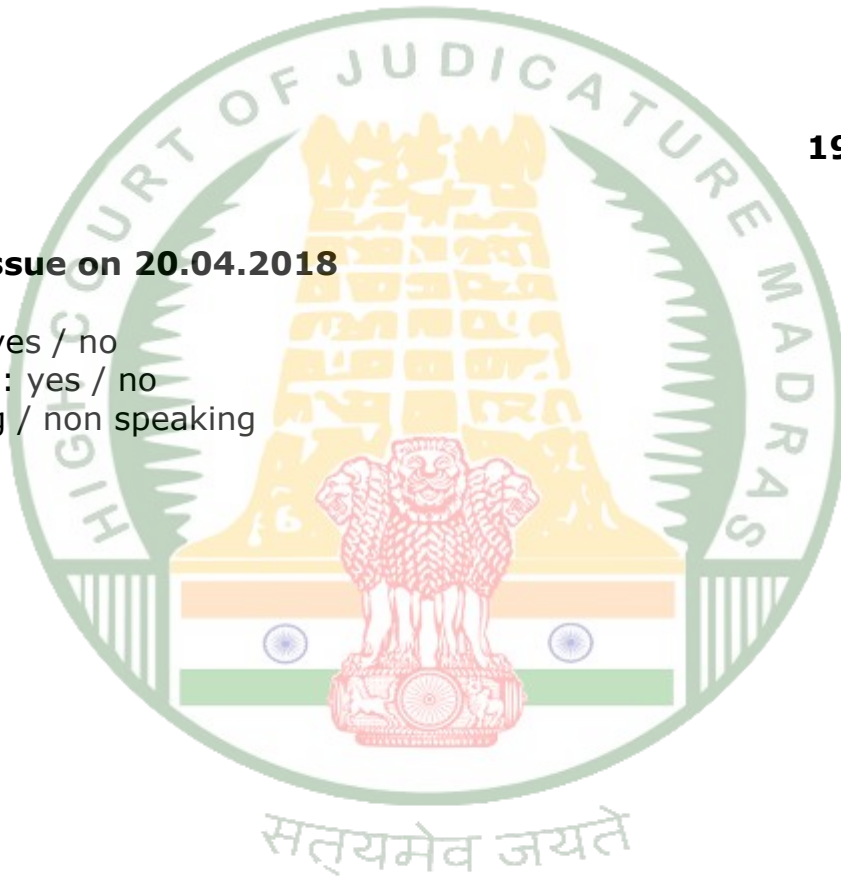
**19.04.2018**

**Note: Issue on 20.04.2018**

Index : yes / no

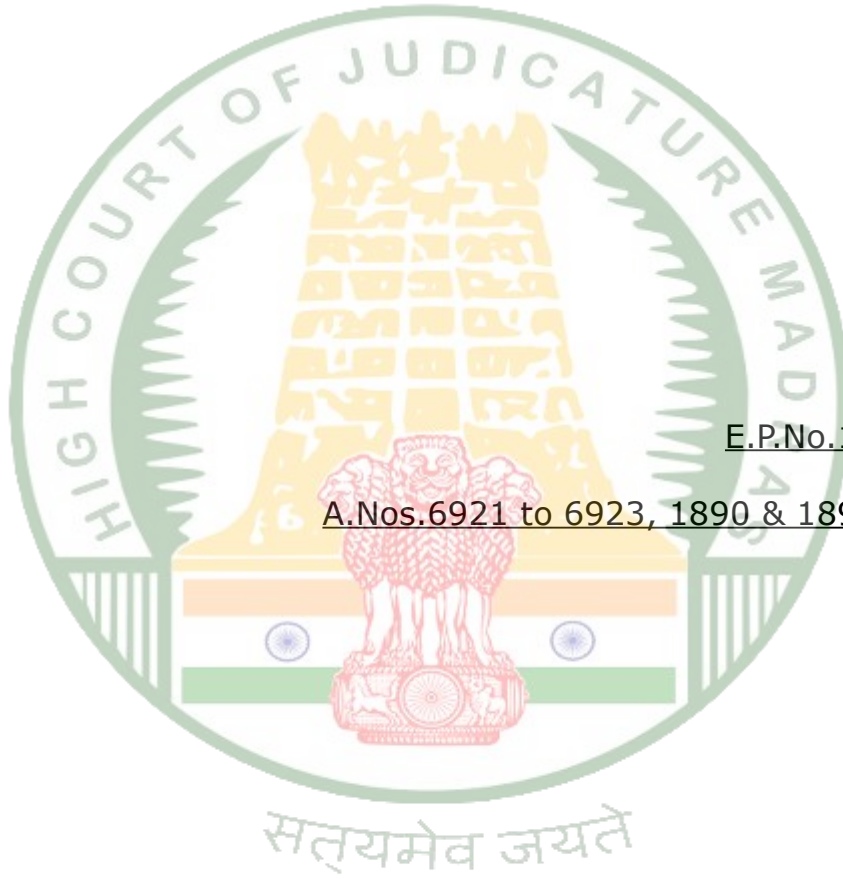
Internet : yes / no

Speaking / non speaking



WEB COPY

**N.SATHISH KUMAR, J.**  
kas



E.P.No.18 of 2012  
and  
A.Nos.6921 to 6923, 1890 & 1891 of 2017

WEB COPY

**19.04.2018**