

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM:

THE HON'BLE JUSTICE **C.V.KARTHIKEYAN****C.S. No.112 of 2016**

N.Elumalai Chettiar,
 Son of T.Narayanasamy Chettiar,
 New No.58, Old No.29,
 Ramasamy Street,
 Mannady, Chennai – 600 001. .. Plaintiff

..Vs..

M.Jayalakshmi @ Jayalakshmi Ramar,
 Wife of M.Ramar @ N.M.Ramar,
 residing at No.110, Old No.136,
 Dimellows Road, Pattalam,
 Chennai – 600 012. ... Defendant

For Plaintiff : Mr.R.Swaminathan

For Defendant : ---

PRAYER : Plaintiff has been filed Under Order IV Rule 1 of O.S. Rules read with Order VII, Rule 1 of Civil Procedure code, (i). to pass a preliminary decree directing the Defendants 1 and 2 to pay the plaintiff a sum of Rs.55,00,000/- along with interest till the date of plaint being a sum of Rs.7,70,000/- and thus a total sum of Rs.62,70,000/- and interest on principal amount of Rs.55,00,000/- at the rate of 12% per from the date of suit till payment with the costs of the suit on the security of the Schedule mentioned mortgaged property within such time as may be prescribed determining the amount due under the suit mortgage, (ii). and in case of failure to pay the money due as per the

Preliminary Decree, to pass a Final Decree directing the sale of the mortgaged property as set out in the Schedule for the realization of the money due with subsequent interest at 12% p.a., (iii). To pay the costs of the suit.

J U D G M E N T

A memo has been filed by the learned counsel for the plaintiff stating as:

"The suit has been settled out of Court between parties. It is therefore prayed that the suit may be dismissed as settled out of Court and entire Court fees directed to be refunded and thus render justice".

2. The learned counsel for the plaintiff also made an endorsement in the plaint as follows:

"The suit is settled out of Court, Court fee paid may kindly be directed to be refunded".

3. In view of the same the suit is dismissed as settled out of court. Plaintiff is entitled for refund of entire Court fees, as per rules. No costs.

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Index : Yes / No

Web : Yes / No

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C.V.KARTHIKEYAN, J

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