



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No. 2217 of 2016

and

C.M.P. (MD) Nos.10289 of 2016 & 6343 of 2017

Gnana Sundar Vadivel

... Petitioner/Respondent/
Respondent/Defendant

Vs.

1.R.Rajalakshmi

2.Murali Kumar

3.Rajkumar

... Respondents/Petitioners/
Petitioners/Plaintiffs

PRAYER: Civil Revision Petitions is filed under Section 115 of C.P.C to set aside the petition and order dated 11.07.2016 in E.A. No.123 of 2016 in E.P.No.74 of 2009 in O.S.No.203 of 2008 on the file of the learned Sub Court, Theni.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.V.Janakiramulu

ORDER

This Civil Revision Petition is filed against the order dated 11.07.2016 passed in E.A.No.123 of 2016 in E.P.No.74 of 2009 in O.S.No.203 of 2008 on the file of the Sub Court, Theni.

2. Today, when the matter came up for hearing, learned counsel for the petitioner as well as the respondents would submit that the parties have come to an amicable settlement by which, the petitioner is ready and willing to pay the decree amount of Rs.1,79,938.86 ps. along with the cost of Rs.18,748.75 ps. and would also submit that already a sum of Rs.1,00,000/- (Rupees One Lakh only) deposited before the Trial Court in connection with the E.P.No.74 of 2009 and the balance amount of Rs.98,687.50 ps. would be deposited within a period of two weeks from the date of receipt of a copy of this order and on deposit of the entire amount the Execution Proceedings may be terminated.

3. Learned counsel for the respondents would submit that even though the decree was passed in the year 2009, to give



quietus to the issue, they are ready and willing to waive the interest and they are agreed to receive the amount, as offered by the petitioner. The respondents also seek permission of this Court to withdraw the amount from the Court below. A joint compromise memo was also filed to that effect.

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4. Heard learned counsel for the petitioner as well as learned counsel for the respondents.

5. In view of the above settlement between the parties, the petitioner is directed to deposit the balance decretal amount within a period of two weeks from the date of receipt of a copy of this order and the respondents are permitted to withdraw the same by making necessary application before the Court below and the interim order of stay will continue till the petitioner deposits the balance amount. If the petitioner fails to deposit the balance amount within the time stipulated, the interim order granted would stand vacate automatically and the respondents are at liberty to proceed against the petitioner in the manner known to law. On deposit of the entire amount the Execution Proceedings shall be terminated. The joint compromise memo shall form part of this order.

6. Accordingly, this Civil Revision Petition is closed. No costs. Consequently, connected C.M.P.(MD) No.10289 of 2016 and C.M.P.(MD) No.6343 of 2017 are also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Sub Court, Theni.

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 43715

RM

TE/SV-MMS/SAR-1 : 05/02/2018 : 2P/3C