

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM :

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

C.S.No.870 of 2008

1.Mrs.S.Vijayakumari (since deceased)
2.S.V.Subrahmanyam
3.S.V.Sunil Kumar
4.S.V.Swapna

... Plaintiffs

(Plaintiffs 2 to 4 are impleaded as
per order dated 07.10.2010 and
extend order dated 18.11.2010
in Application No.5589 of 2010)

.Vs.

Sri Balaha Chemicals Private Ltd.,
Old No.9, New No.2,
Padma Ebitice Anna Nagammai Street,
Raja Annamalai puram,
Chennai-600 028.

... Defendant

(Amended as per order dated
11.06.2018 in A.No.4092 of 2018)

Prayer: Civil Suit filed under Order VII Rule 1 of Original Side Rules r/w
order XXXVII Rule I of Civil Procedure Code, praying to pass a judgment
and decree against the defendant for a sum of Rs.86,31,367.69 together
with interest at 12% p.a. (under Section 34 of CPC) on Rs.66,13,588.91
from the date of plaint till the date of realisation in full and for costs of the
suit.

For Plaintiffs : Mr.K.Sai Sharavan Kumar

For Defendant : Ms.R.Hemavathi

J U D G M E N T

This suit has been filed to recover the money from the defendant and the prayer sought for in the suit reads as follows :

"to pass a judgment and decree against the defendant for a sum of Rs.86,31,367.69 together with interest at 12% p.a. (under Section 34 of CPC) on Rs.66,13,588.91 from the date of plaint till the date of realisation in full and for costs of the suit."

2. Today, when the case is taken up for hearing, learned counsel for the plaintiffs has filed a memo, dated 11.01.2019, signed by both the parties and the said memo is having the following contents:

"1.The plaintiffs filed suit for Judgment and Decree for the following relief:-

To grant a Decree against the defendant for a sum of Rs.86,31,367.69 together with interest at 12% p.a. (under Section 34 of CPC) on Rs.66,13,588.91 from the date of plaint till the date of realization in full and for costs of this suit and thus render justice.

2.The plaintiffs are seeking leave before this Hon'ble Court to withdraw the suit as the claim is settled out of

Court.

In the above circumstances, it is humbly prayed that this Hon'ble Court may be pleased to permit the plaintiffs to withdraw C.S.No.870 of 2008 pending on the file of this Hon'ble Court and thus render justice."

3. In view of the contents made in the memo referred above, the learned counsel appearing for the plaintiffs wants this suit to be dismissed as withdrawn as settled out of Court.

4. By recording the said memo, filed by the plaintiffs and taking into account, the submission made by the learned counsel for the plaintiffs, this suit is dismissed as withdrawn as settled out of Court. However, there shall be no orders as to costs.

सत्यमेव जयते

29.01.2019

vji/mkn

WEB COPY

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

To

The Assistant Registrar,
Original side, High Court,
Madras.



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R. SURESH KUMAR, J.

vji/mkn



C.S.No.870 of 2008

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29.01.2019