

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2019

Coram

The Hon'ble Mr.Justice R.Subbiah
and
The Hon'ble Mr.Justice Krishnan Ramasamy

O.S.A.No.54 to 56 of 2012
and
M.P.No.1 of 2012 (3 in nos.)

Mrs. Santhi Tharun

.... Appellant in all Appeals

Vs.

1. Mrs. Kannamma R-1 in O.S.A.No.54 to 56 of 2012

2. Mr. Jayarathina Kumar

3. Mr.B.H.Tharun Kumar

4. The Branch Manager,
Canara Bank (Ladies Branch)
Chennai -17.

5. The Branch Manager,
Corporation Bank, T.Nagar,
Chennai -17.

...Respondents 2 to 5 in O.S.A.No.54 of 2012

6. M/s. Indira Builders,
Ayyavu Naidu Colony,
Chennai -29.

R-6 in O.S.A.No.54/2012
and R-2 in O.S.A.Nos.55 & 56 of 2012

Prayer in O.S.A.No.54 of 2012:

Appeal filed under Order XXXVI Rule 1 Original Side Rules read with Clause 15 of the Letters Patent, against the judgement and decree dated 20.06.2011 in C.S.No.594 of 2006, on the original side of this Court.

Prayer in O.S.A.No.55 and 56 of 2012:

Appeal filed under Order XXXVI Rule 1 Original Side Rules read with Clause 15 of the Letters Patent, against the fair and decreetal order dated 20.06.2011 made in Application Nos.234

and 235 of 2011 in C.S.No.594 of 2006, on the original side of this Court.

For Appellant in all three O.S.As.: Mr.S.Thankasivan

For Respondent-1 in all three O.S.As. : Mr.P.Sidharthan

COMMON JUDGEMENT

[Order was delivered by Krishnan Ramasamy, J.,]

The main disputants in the matter are the appellant and the first respondent, who are none other than the daughter and mother respectively. They have entered into an oral compromise and arrived at an amicable settlement. As per the oral compromise, the appellant has agreed to pay a sum of Rs.6,00,000/- to the first respondent, apart from furnishing the bond amount to the value of Rs.4,00,000/-.

2. When the matter was taken up on 11.03.2019, the learned counsel appearing for the appellant undertook to bring a demand draft for a sum of Rs.6,00,000/- drawn in favour of the first respondent on 01.04.2019, and so far as bond amount for Rs.4,00,000/- is concerned, the learned counsel appearing for the appellant submitted that the appellant has already handedover the Bond to the value of Rs.4,00,000/- for redemption to the first respondent, and all these facts have been recorded by this Court, in its order, dated 11.03.2019 and since the learned counsel appearing for the appellant sought time for effecting payment of Rs.6,00,000/-, the matter stood adjourned to 01.04.2019. When the matter was taken up on 01.04.2019, the learned counsel appearing for the appellant brought a demand draft for a sum of Rs.4,00,000/- drawn in favour of Mrs.Kannamma and the same was handedover to the learned counsel appearing on behalf of the first respondent. Insofar as the balance sum of Rs.2,00,000/- is concerned, the learned counsel for the appellant sought time. Hence, this Court adjourned the matter to 15.04.2019 (i.e. today). Accordingly, the matter is listed today and when the matter is taken up, the learned counsel for the appellant brought a demand draft for the balance sum of Rs.2,00,000/- in favour of first respondent, Mrs.Kannamma and the same was handed over to the learned counsel appearing for the first respondent. As observed by this Court, vide order, dated 11.03.2019, the total amount as agreed by the parties pursuant to the compromise arrived at between them have been settled in full and final satisfaction of the claim of the first respondent, in the manner stated above. However, the learned counsel appearing for the appellant resiling from the earlier stand, submitted that the entire sum of Rs.10,00,000/- may be directed to be deposited in the name of the first respondent, in

any one of the Nationalized Banks and the first respondent may be permitted to withdraw the interest alone and shall be permitted to spend the same as per her wish till her lifetime. On the other hand, the learned counsel for the first respondent submitted that, as per the oral compromise arrived at between the parties before this Court, the appellant shall pay the entire sum of Rs.10,00,000/- to the first respondent and the first respondent shall spend the amount on her wish, and therefore, the contention of the learned counsel for the appellant cannot be accepted.

3. In the light of the above settlement arrived at between the parties and the submission made by the learned counsel appearing for the parties concerned, we are of the view, suffice it would be, if the present Appeals are disposed of with following directions, as the same would meet the ends of justice:-

i) The first respondent is directed to deposit a sum of Rs.5,00,000/- (after the redemption of bond amount of Rs.4,00,000/-) in any one of the Nationalized Bank and she is permitted to withdraw only the interest accrued thereon during her life time. In case, any necessity arises in future for the first respondent to meet out the medical expenditures, the said deposit shall be redeemed by the first respondent. So far as the balance amount of Rs.5,00,000/- is concerned, the first respondent can utilize the said amount on her own wish.

4. The Original Side Appeals are disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

Copy to

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

O.S.A.No.54 to 56 of 2012

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srg 12/06/2019