

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**  
AND  
THE HONOURABLE MR. JUSTICE **C.SARAVANAN**

**A.S No. 555 of 2018**

R.Rajmohan

... Appellant

Vs.

1.Banshi Singh Chauhan  
2.Kuldeep Singh Chauhan

... Respondents

**Prayer:** Appeal filed under Section 96 r/w Order XLI Rule 1 of C.P.C against the judgment and decree dated 15.09.2016 made in O.S.No.322 of 2014, on the file of IV Additional District Judge, Coimbatore.

सत्यमेव जयते

For Appellant : Mr.B.Nedunchezhiyan

For Respondents : Mr.C.R.Prasanan

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**JUDGMENT**

(Delivered by *M.M.Sundresh,J.*)

When the matter is taken up for hearing today, a memo was filed by the learned counsel appearing for the appellant, which reads as under:-

*"Memo filed by the appellant*

*The appellant undertakes to pay a sum of Rs.35,00,000/- (Rupees Thirty five lakhs only) in equal installment within 6 months from this date towards full and final settlement of decree amount in O.S.No.322/2014 dated 15.09.2016 on the file of the IV Additional District Judge, Coimbatore. Hence the appeal may be disposed off accordingly."*

2. Based upon the memo filed, it is submitted that the suit may be decreed.

3. Learned counsel appearing for the respondents submitted that he does not have any objection. However, it is submitted that in the event of non-compliance, the decree would get restored.

4. Learned counsel appearing for the appellant has got no objection to the same.

5. In view of the above, the appeal is disposed of on the following terms:

- (i) The installments payable as per the memo would start from the month of May, 2019, payable on or before 7<sup>th</sup> day of every month, thereafter.
- (ii) There shall be a decree in the present appeal in terms of the memo, referred above;
- (iii) The Court below is directed to decree the suit in terms of the above memo; and
- (iv) It is made clear that in default of compliance of the condition contained in the memo, the suit will get restored automatically.

There shall be no order as to costs. Consequently, connected C.M.P. No. 14197 of 2018 is closed.

(M.M.S.J.) (C.S.N.J.)  
08.04.2019

ssm

To:  
The IV Additional District Judge,  
Coimbatore.

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**M.M. SUNDRESH,J.**  
**AND**  
**C.SARAVANAN,J.**

(ssm)



**A.S. No. 555 of 2018**

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08.04.2019

**A.S.No.555 of 2018**

**M.M. SUNDRESH J.**  
**AND**  
**C.SARAVANAN,J.**

(Order of the Court of made by **M.M.SUNDRESH, J.**)

The above appeal is posted today (14.06.2019) under the caption "for clarification" at the instance of the learned counsel for the respondent.

2.Learned counsel on either side would submit that paragraph 5 of the judgment made on 08.04.2019 may be clarified.

3.Upon hearing it is agreed that Clauses (ii) and (iii) of the judgment and decree of the trial Court made in O.S.No.322 of 2014 is confirmed. In view of the above, the appeal stands dismissed confirming the judgment and decree of the trial Court. However, the appellant shall pay a sum of Rs.35,00,000/- (Rupees thirty five lakhs only) to the respondents in six equal monthly instalments on or before 7<sup>th</sup> of every month commencing from 07.07.2019. In the event of any default, it is needless to state the judgment and decree rendered by the trial court would stand restored in its entirety.

**(M.M.S.,J.) (C.S.N.,J.)**  
14.06.2019

**Note: Issue order copy on 21.06.2019**

raa

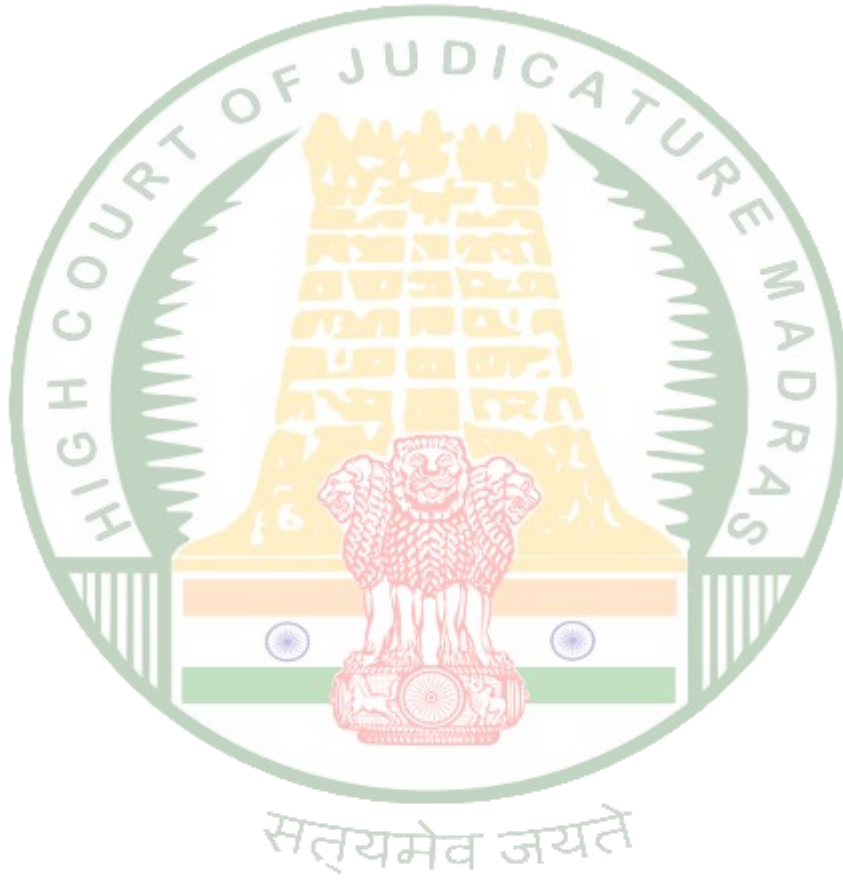
**M.M. SUNDRESH J.  
AND  
C.SARAVANAN,J.**

**(raa)**



**A.S.No.555 of 2018**

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**14.06.2018**

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