

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

C O R A M

THE HON'BLE Mr.JUSTICE ABDUL QUDDHOSE

C.R.P.(NPD) No.2541 of 2014 &
M.P.No.1 of 2014

Balaji Fertilizers
Rep. By its Proprietor,
Shri.Gangahanumaiah

... Petitioner

Vs.

Neyveli Lignite Corporation Limited,
Rep. By its Company Secretary

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order in I.A.No.200 of 2013 in O.S.No.8 of 2005 on the file of the third additional District and Sessions Judge, Cuddalore at Virudhachalam dated 08.04.2014.

For Petitioner

... Mr.G.Suryanarayanan

For Respondent

... Mr.N.Nithianandan

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ORDER

The instant civil revision petition has been filed challenging the

order dismissing the application filed by the petitioner seeking for condonation of delay of 2799 days in filing an application to set aside the ex parte decree. The ex parte decree has been passed against the petitioner under which the petitioner is directed to pay a sum of 10,14,404.39/- together with interest and costs. Admittedly, in the execution petition filed by the respondent/plaintiff, the petitioner had deposited a sum of Rs.10,00,000/-, pursuant to the order of this court dated 17.07.2014 in this revision.

2. The learned counsel for the respondent/plaintiff on instructions submits that his client is willing to receive the deposited amount which is lying to the credit of the suit O.S.No.8 of 2005 on the file of the learned Third Additional District and Sessions Judge, Cuddalore at Virudhachalam as full and final settlement of the suit claim and he seeks a direction from this Court to permit him to withdraw the said sum lying to the credit of the suit. He has also made an endorsement to that effect in the court bundle which is extracted hereunder:

“The respondent herein with approval of competent authority agrees for a settlement and endorses full satisfaction to the decree passed in the suit on receiving the sum of Rs.10,00,000/- deposited by the petitioner to the

credit of the suit in terms of the order passed in the CRP.

This may be treated as full satisfaction of the decree.”

3. The learned counsel for the petitioner has also counter signed in the endorsement and also agreed to the terms of the respondent/plaintiff as per the endorsement. Accordingly, the Civil Revision Petition is disposed with a direction to the Trial Court viz., the Third Additional District and Sessions Judge, Cuddalore, at Virudhachalam to permit the respondent/plaintiff to withdraw the sum lying to the credit of the said suit after the respondent/plaintiff files a memo to that effect before the Trial Court. No costs. Consequently, connected miscellaneous petition is closed.

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Note: Registry is directed to return the original receipts relating to the deposit made by the petitioner/defendant in the suit O.S.No.8 of 2005 to the learned counsel for the respondent/plaintiff to enable him to withdraw the same lying to the credit of the suit.

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Index : Yes / No
Internet: Yes/No
Speaking/Non-Speaking orders

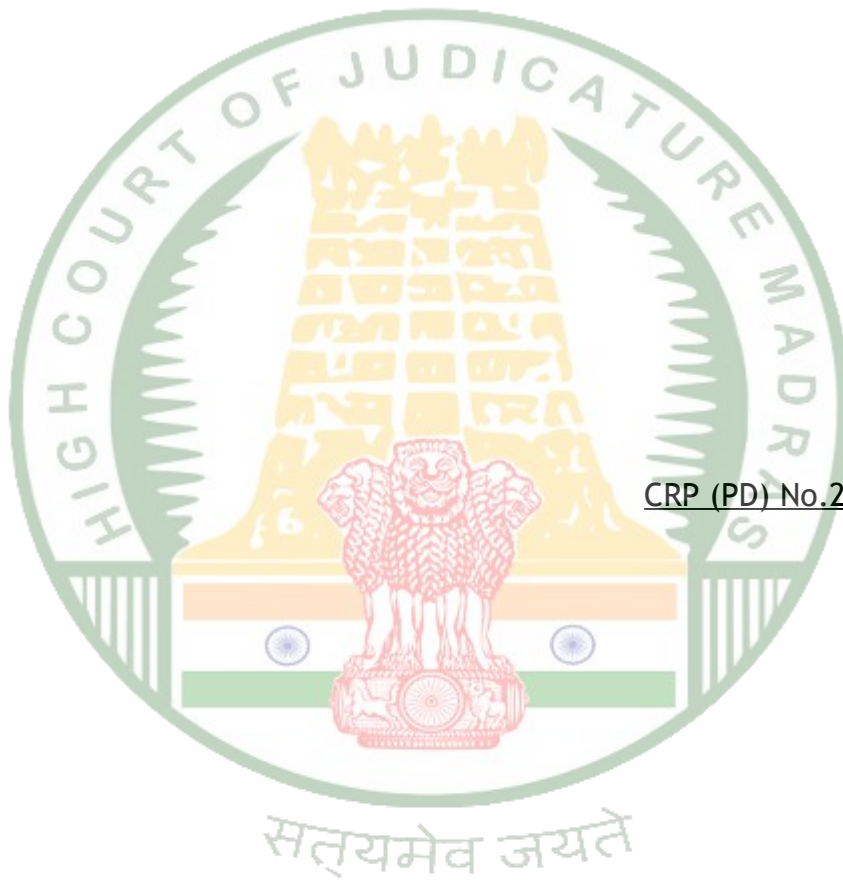
To

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The Third Additional District and Sessions Judge, Cuddalore at Virudhachalam

ABDUL QUDDHOSE. J,

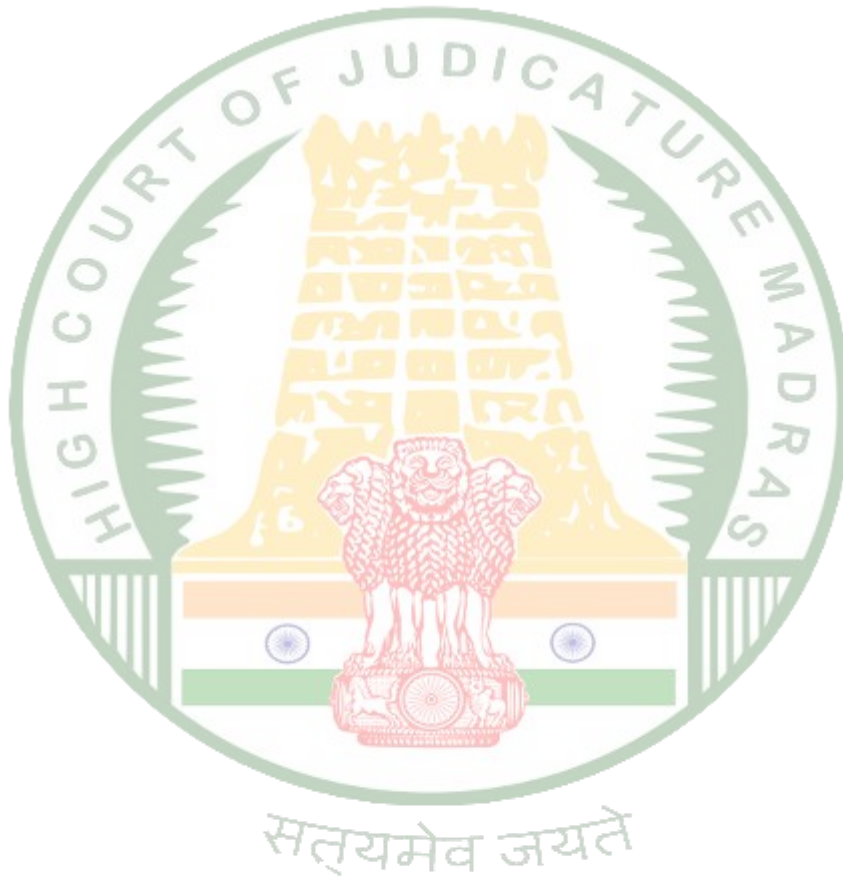
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