

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

A.S.No.699 of 2017

1.Riyazhith Farooq
2.Saboor Alam

... Appellants

Vs

1.Kuthbutheen
2.Sajutha Nisha
3.Mohamed Kuthubudeen Aibuq
4.Thipusulthan

... Respondents

PRAYER : Appeal Suit filed under Rule 1 of Civil Procedure Code read with 41-A Rule 1 of Civil Procedure Code and Section 96 of Civil Procedure Code against the Judgment and Decree of the learned VII Additional City Civil Court, Chennai dated 17.03.2017 made in O.S.No.9567 of 2010.

For Appellants : Mr.AR.L.Sundaresan,
Senior Counsel for
Mrs.AL.Gandhimathi.

For Respondents: Mr.K.V.Babu for
Mr.N.Ishak for R1.
Mr.A.Ilayaperumal for R2.

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred by the defendants against the decree and Judgment passed in the Suit which was partly decreed for a sum of Rs.12,37,000/- with future interest at 24% per annum.

2.The 1st respondent filed a suit for recovery of money and the said suit, on contest, was partly decreed along with future interest of 24% per annum. The said decree and Judgment is challenged before this Court.

3. When the matter is called today, Mr. AR. L. Sundaresan, learned Senior Counsel for the appellants and Mr. N. Ishak, learned Counsel for R1 and Mr. A. Ilayaperumal, learned Counsel for R2 would submit that the matter has been settled for a sum of Rs. 23,00,000/- payable by the appellants to the 1st respondent. Both the parties have also appeared before this Court and categorically stated that the matter has been settled for a sum of Rs. 23,00,000/- payable by the appellants.

4. In this regard, a Memorandum of Compromise dated 28.08.2019 signed by the appellants and the 1st respondent and their respective Counsel has been filed. As per the said memorandum of compromise, Rs. 15,00,000/- deposited by the appellants to the credit of the suit in O.S.No.9567 of 2010 on the file of the VII Additional City Civil Court, Chennai shall be withdrawn by the 1st respondent/plaintiff for which the appellants have got no objection. The balance amount of Rs. 8,00,000/- shall be paid within a period of three months from today i.e., on or before 27.11.2019.

5. In view of the categorical statement made by the appellants and the 1st respondent and recording the memorandum of compromise, the appeal suit is disposed of giving three months time to pay the balance amount on or before 27.11.2019. The Memorandum of compromise shall form a part of the decree and Judgment. No costs.

6. The appellants shall file compliance report for having paid the balance amount of Rs. 8,00,000/- on or before 27.11.2019.

7. Post the matter for compliance on 28.11.2019.

*The Xerox copy of the Memo
of Compromise enclosed

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The VII Additional City Civil Court,
Chennai.

Copy to

The Section Officer,
Judicial Department, High Court, Madras-104

+1cc to M/s.A.L.Ganthimathi, Advocate Sr.74380

+1cc to Mr.A.IlayaPerumal, Advocate Sr.73993

+1cc to Mr.N.Ishak, Advocate Sr.76910

A.S.No.699 of 2017

rsi[co]

srg 05/09/2019