

Comp. A. No.430 of 2019
in
C.P. No.172 of 2012

M.SUNDAR,J.

The applicant herein suffered an exparte decree one and half decades ago (on 06.02.2004 to be precise) vide C.S.No.219 of 2002, in which, the first respondent herein was the plaintiff (obviously prior to liquidation proceedings).

2. More than eleven years later, an execution petition in E.P. No.93 of 2016, on the file of learned Master of this Court was launched and an application in A.No. 7986 of 2018 was taken out with prayer for arrest. To be noted, the decree is for a sum of Rs.18,93,334.65 with future interest on principal.

3. There is no disputation that the suit in which the decree came to be passed arose due to an Automobile loan agreement for purchase of a Tata Sierra Car and as of November 1997, the dues were in the region of Rs.5.33 lakhs.

4. The second respondent in instant application, namely, The Federal Bank Limited (petitioning creditor qua the main company petition) has since removed itself from the scene, in the light of the petitioning creditor's liability being wiped out in entirety. Therefore, this leaves us with the applicant and the first respondent.

5. After some arguments, considering the nature of loan transaction, considering the trajectory of the suit, more importantly considering the disbursement of deposits qua the company under liquidation which is underway over a period of time, it was fairly agreed by all concerned that it would be appropriate if a round sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs) is accepted in full satisfaction of the aforesaid exparte decree dated 06.02.2004.

6. Though prayer in instant application is for permission to pay Rs.20,00,000/- (Rupees Twenty Lakhs) to first respondent, this application is ordered permitting the applicant to pay Rs.25,00,000/- (Rupees Twenty Five Lakhs) in all, which shall be in full satisfaction of the aforementioned decree. This sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs) shall be paid in the following manner:

a) Rs.5,00,000/- (Rupees Five Lakhs) on or before 20.12.2019,

b) remaining Rs.20,00,000/- (Rupees Twenty Lakhs) shall be paid

in four weeks therefrom i.e., on or before 20.01.2020.

7. This application is disposed of on above terms.

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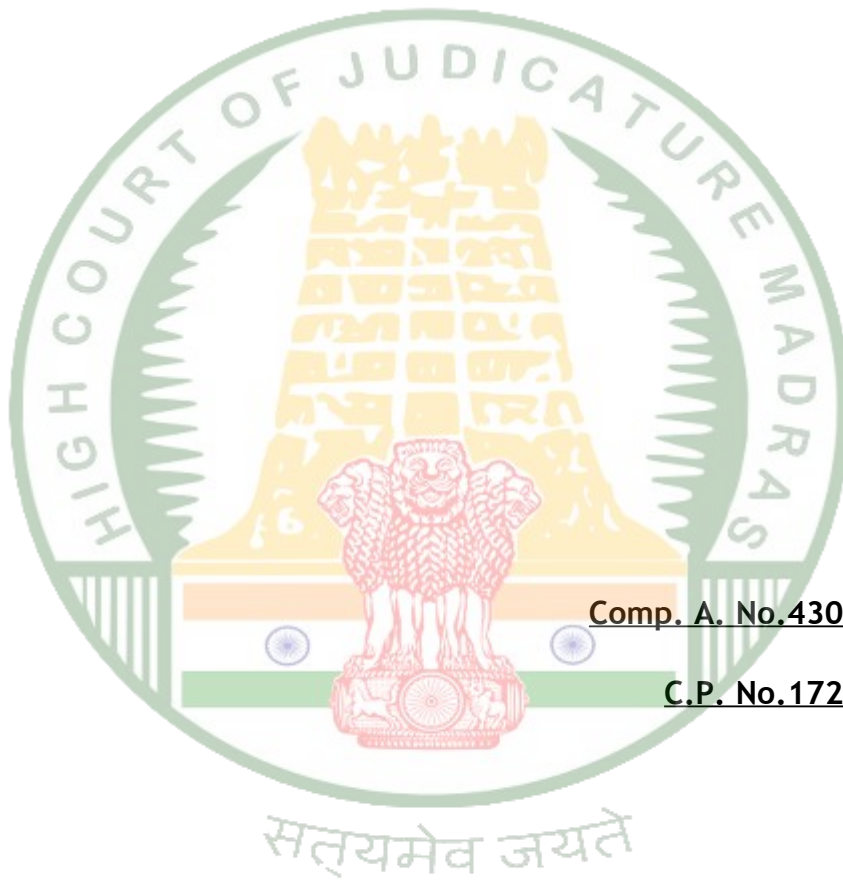


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