

A.No.2684 of 2020 in C.S.(Comm.Div) No.741 of 2018

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C.V.KARTHIKEYAN J,

On 16.08.2019, my learned brother Krishnan Ramasamy.J, taking into consideration A.Nos.2409 and 2410 of 2019 and also C.S.No.741 of 2018 and the agreement dated 06.08.2019, entered into between the parties, during the course of the mediation had recorded the Mediation Agreement and had stated that the Civil Suit is dismissed as settled out of Court. The learned Judge also directed the Registry to refund the Court Fees. The learned Judge had not thought it necessary to impose costs.

2.Subsequently, the present Application has been filed, wherein, attention of the Court has been drawn to the fact that pursuant to the Mediation Agreement, that payment of the entire amounts due and payable as crystallized, namely, Rs.15,00,000/- by a Demand Draft, Rs.15,00,000/- by another Demand Draft and Rs.15,14,214/- by a further Demand Draft have been complied with.

3.Today an affidavit has also been filed by Mr.R.Babu S/o Mr.V.Ramalingam, Managing Director of the Plaintiff and wherein, again he had affirmed all the three Demand Drafts had been received on 05.11.2020 and had stated that he has no further claims against the Defendants. It was pointed out that the order of attachment dated 13.12.2018 passed in A.No.8411 of 2018 in C.S.No.741 of 2018 had been omitted to be raised in the order of the learned Single Judge referred above dated 16.08.2019.

4.In view of the compliance of the terms of the Mediation Agreement, it is further very specifically stated in the affidavit that the order of Attachment in A.No.8411 of 2018 dated 13.12.2018 with respect to the following schedule, New Door No.55, Old Door No.19/27, Veppery High Road, Periamet, Chennai, comprised in Survey Nos.372 & 482, within the registration district of Sub Registrar Office, Periamet, Chennai, bounded on the east by Door No.18A, North by Veppery High Road, West by Batcha Miyan Sahib House and South by Corporation Model School, may be therefore raised.

5.In view of the said categorical statement, I hold that the order of attachment by order dated 13.12.2018 in A.No.8411 of 2018 with respect to New Door No.55, Old Door No.19/27, Veppery High Road, Periamet, Chennai, comprised in Survey Nos.372 & 482, within the registration district of Sub Registrar Office, Periamet, Chennai, bounded on the east by Door No.18A, North by Veppery High Road, West by Batcha Miyan Sahib House and South by Corporation Model School, is hereby raised.

6.The Jurisdictional Sub-Registrar, is directed to effect necessary entries in the registers maintained regarding raising of attachment of the said property.

7.The Sub-Registrar may in the first instance shall act on the web copy of the present order and later on, after granting sufficient time, the certified order copy may also be filed to the Sub-Registrar, by the Defendants.

C.V.KARTHIKEYAN J.

smv

8.The Registry is directed to communicate a copy of this order to the concerned Sub-Registrar office forthwith.

9.Accordingly, the Application is disposed of.

11.11.2020

smv



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