



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 15TH DAY OF MARCH 2021

THE HON'BLE MS. JUSTICE P.T.ASHA

C.S. No.478 of 2000

The National Small Industries
Corporation Ltd., rep.by its
Regional General manager.

.. Plaintiff

Versus

1. M/s. Southern India Granite
Manufacturers,
Thiruvallur Road,
Perambakkam-631 402,
Thiruvallur.
2. Sri S.Prakasam,
S/o. R.Sundarsanam,
M/s. Southern India Granite
Manufacturers,
Thiruvallur Road,
Perambakkam-631 402.
3. Sri N.Ariselvam,
S/o. Mr.Narayanaswamy,
2, Yadhava Street,
Poonamallee,
Chennai- 600 056.
4. Sri B.Radhakrishnan,
S/o. R.Boopathy,
1/33, Car Street,
Kuthambakkam-602 107,
Sriperumbudur Taluk.

5. Sri K.R.Jayagopi,
S/o. Mr.K.Krishna Ramanujam,



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Kuthambakkam-602 107,
Sriperumbudur Taluk.

6. Sri D.Jai Shankar,
S/o. Devarajulu Naidu,
35/2, Pattabiram Road,
Melmanambedu Village,
Vellavedu Post,
Chennai-602 107.
7. Sri G.Saleem,
S/o. Ghouse Basha,
203, 6th Block, MMDA,
Maduravoil, Chennai-102.
8. Sri G.Ramesh,
S/o. Ganesan,
Easwaran Koil Street,
Melmanambedu Village,
Sriperumbudur Taluk,
Pincode-602 107.
9. K.V.Raghavan,
S/o.Venugopal Naidu,
1/75, Ammankoil Street,
Kutambakkam,
Vellavedu Post,
Chennai-600 056.
- 10.R.Boopathy,
S/o.Rathinam Pillai,
26, Car Street,
Kuthambakkam Village,
Vellavedu Post,
Chennai-600 056.
- 11.K.Krishnan, Ramanujam,
S/o.Kuppuswamy Nayagar,
2/52,Mosque Street,
Kuthambakkam Village,
Vellavedu Post,
Chennai-600 056.



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12. Sri E. Ganesan,
S/o. Elumalai,
1/60, Easwaran Koil Street,
Melmanambedu Village,
Vellavedu Post,
Chennai-600 056.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree against the defendants jointly and severally:

a) For the said sum of Rs.12,67,448/- together with further interest thereon from the date of plaint till the date of realisation at the rate of 22% per annum within the time fixed by the Hon'ble Court and on failure of payment by the defendants, within that time, to direct the plaint schedule mentioned properties to be sold and the proceeds to be appropriated by the plaintiffs towards the said suit claim and costs;

b) To pass mortgage decree against the defendants-9 to 12 over the schedule mentioned properties for a sum Rs.12,67,448/- together with interest at 22% per annum and costs;

c) In case the sale proceeds are found to be insufficient to discharge the debt, all the defendants may be directed to pay the balance amount to the plaintiffs and the plaintiffs be at liberty to apply for a personal decree against the defendants;

d) For costs of the suit; and



presence of M/s.N.Rosi Naidu, Advocate for the plaintiff herein and Mr.Prakash Goklaney, Advocate for the defendants herein and upon reading the plaint filed herein and the memo dated 01.03.2021 filed by the plaintiff stating that the plaintiff and the defendants have arrived at a settlement and the amounts have been fully paid by the defendants and the plaintiff also sought for return of the 8 original documents that they have submitted to the Court along with the plaint, which is detailed in the memo filed by the plaintiff. **it is ordered as follows:**

That the suit in C.S.No.478 of 2000 be and is hereby dismissed as settled out of court.

(b) That the Registry, be and is hereby directed to handover the original documents, as listed in the memo dated 01.03.2021 to the plaintiff herein, on the plaintiff substituting the same with the xerox copies.

(Schedule Memo)



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03/08/2021

C.S. No.478 of 2000

ORDER
DATED : 15.03.2021

THE HON'BLE MS.JUSTICE
P.T.ASHA

FOR APPROVAL: 09/09/2021

APPROVED ON: 13/09/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CS.No.478 of 2000

The National Small Industries
Corporation Ltd., represented by its
Regional General Manager.

...Petitioner

Vs

1. M/s. Southern India Granite
Manufacturers,
Thiruvallur Road,
Perambakkam -631402,
Thiruvallur.

2. Sri S. Prakasam
3. Sri. N. Ariselvam
4. Sri. B. Radhakrishnan
5. Sri K.R. Jayagopi
6. Sri D. Jai Shankar
7. Sri G. Saleem
8. Sri G. Ramesh
9. K. V. Raghavan
10. R. Boopathy
11. K. Krishnan Ramanujam
12. Sri E. Ganesan

... Respondents

Prayer : Suit filed under Order VII Rule I of C.P.C. and under Order
IV Rule I of O.S. Rules under Order XXXIV CPC and under Order XVI of
O.S. Rules. for a judgment and decree against the defendants jointly



- a) for the said sum of Rs.12,67,448/- together with further interest thereon from the date of plaint till the date of realisation at the rate of 22 % per annum within the time fixed by the Hon'ble Court and on failure of payment by the defendants, within that time, to direct the plaint schedule mentioned properties to be sold and the proceeds to be appropriated by the plaintiffs towards the said suit claim and costs;
- b) to pass mortgage decree against the defendants 9 to 12 over the schedule mentioned properties for a sum of Rs.12,67,448/- together with interest at 22 % per annum and costs;
- c) In case the sale proceeds are found to be insufficient to discharge the debt, all the defendants may be directed to pay the balance amount to the plaintiffs and the plaintiffs be at liberty to apply for a personal decree against the defendants.

For Plaintiff : M/s. Rosi Naidu

For Defendants : Mr. Prakash Goklaney

J U D G M E N T

A memo has been filed by the plaintiff stating that the plaintiff and the defendants have arrived at a settlement and the amounts have been fully paid by the defendants. Therefore nothing survives for consideration in the above suit and the suit is



dismissed as settled out of Court.

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2. The plaintiff also sought for return of the 8 original documents that they have been submitted to the Court along with the plaint, which is detailed in the memo filed by the plaintiff. On the plaintiff substituting the same with the xerox copies, the Registry is directed to handover the original documents, as listed in the memo dated 01.03.2021 to the plaintiff.

Sd./-P.T.A.J
15.03.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.