



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 10TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S.No.14 of 2015

and

A.No.2707 of 2021

S.Mohankumar,
S/o.Seshamal Jain,
18, Hunters Road,
Choolai, Chennai 600 112.

..Plaintiff

Vs

1.B.Gouse Basha,
S/o.Mohd Piyarejan

2.G.Salman
S/o.B.Ghouse Basha

Both the are residing at
2/761, Krishnagiri Main Road,
Veppanapalli Town,
Krishnagiri District.

..Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a
decree and judgment against the defendant and in favour of the plaintiff:-

a) For Rs.1,92,00,000/- (Rupees One Crore Ninety Two Lakhs
only) together with interest at 24% per annum of Rs.1,60,00,000/- (Rupees
One Crore Sixty Lakhs only), from the date of Plaint till date of payment, on



defendant fails to pay the amount as claimed above, direct the property described in the Schedule here under to be sold and appropriate the sale proceeds in and towards the claim made above, after de-fraying the expenses of such sale;

b) If the sale proceeds are not sufficient to satisfy the decree amount, claimed in clause (i) above, pass personal decree against the 1st defendant for the deficiency, if any;

c) award cost of the Suit; and

A.No.2707 of 2021:-

1.P.Gouse Basha,
S/o.Mohammed Piyarejan,

2.G.Salman
S/o.P.Ghouse Basha

Both residing at
2/761, Krishnagiri Main Road,
Veppanapalli Town,
Krishnagiri District.

..Applicants

-VS-

S.Mohankumar,
S/o.Seshamal Jain,
18, Hunters Road,
Choolai, Chennai 600 112.

.. Respondent

Application praying that this Hon'ble Court be pleased to condone the delay of 2172 days in filing written statement of the defendants in

C.S.No.14 of 2015.



This Civil suit alongwith the Application coming on this day before this court for hearing in the presence of Mr.A.S.Neela Narayani, Advocate for the Plaintiff in C.S.No.14 of 2015 and for the respondent in A.No.2707 of 2021 and Mr.T.Arokia Dass, Advocate for the Defendants in C.S.No.14 of 2015 and for the Applicants in A.No.2707 of 2021 and upon reading the plaint, and the judges summons and the affidavit of G.Salman filed in A.No.2707 of 2021 and the Joint Compromise memo dated 28.07.2021 filed herein and the learned counsel for the plaintiff seeks the leave of the court to withdraw the suit,

It is ordered as follows:

That the Suit in C.S.No.14 of 2015 be and is hereby dismissed as settled out of court.

2. That a certificate under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955 (Amended Act), do issue herein, out of and under the seal of this Court in favour of S.Mohankumar, the plaintiff herein, authorising him to receive from the Pay and Accounts office, High Court, Chennai, a sum of Rs.1,95,525/- (Rupees One lakh ninety five thousand five hundred and twenty five only) being entire court fee paid on the plaint by the plaintiff herein.

3. That the connected O.A.No.32 of 2015 and A.No.2707 of 2021



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4. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
10TH DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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01.09.2021

C.S. No.14 of 2015
and
A.No.2707 of 2021

ORDER:

DATED: 10.08.2021

THE HON'BLE MR. JUSTICE
N.SESHASAYEE

FOR APPROVAL: 02.09.2021

APPROVED ON: 22.10.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.14 of 2015
& A.No.2707 of 2021

S.Mohankumar

...Plaintiff

Vs.

1.B.Gouse Basha
2.G.Salman

... Defendants

PRAYER : Civil Suit filed under Order XXXVII Rule 1 of O.S.Rules read with Order XXXIV Rule 1 of C.P.C:

- I. For Rs.1,92,00,000/- (Rupees One Crore Ninety Two Lakhs only) together with interest at 24% per annum of Rs.1,60,00,000/- (Rupees One Crore Sixty Lakhs only), from the date of Complaint till date of payment, on or before a date to be stipulated by this Hon'ble Court and if the 1st defendant fails to pay the amount as claimed above, direct the property described in the Schedule here under to be sold and appropriate the sale proceeds in and towards the claim made above, after de-fraying the expenses of such sale;
- II. If the sale proceeds are not sufficient to satisfy the decree amount, claimed in clause (i) above, pass personal decree against the 1st defendant for the deficiency, if any;



III. award cost of the Suit; and

IV. Pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : Mr.A.S.Neela Narayani
For Defendants : Mr.T.Arockia Dass

JUDGMENT

A Joint Compromise Memo has been filed before this Court and based on the same, the learned counsel for the plaintiff seeks the leave of the Court to withdraw the suit.

2.The learned counsel for the plaintiff is permitted to withdraw the suit.

3.In the result, the suit is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is closed. The Registry is directed to refund the Court fee as per law.

Sd./-(N.S.S.J.)
10.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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