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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

C.S.No.319 of 2020 and
A.No.2742 of 2020

1.Mr.M.Janakiraman
Son of Late Mr.V.Munuswamy

2.Mrs.P.A.Rani
Wife of Mr.M.Janakiraman,

Both Plaintiffs Residing at 'Vedapoodi',
New No. 71, Old No. 195, 3rd Street,
AH-Block, Anna Nagar, Chennai – 600 040.

... Plaintiffs

-Versus-

1.M/s.Hotel Saravana Bhavan,
A Partnership Firm, Rep by
its Managing Partner Mr.R.Saravanan.

2.Mr.R.Shivakumar
Son of Late Mr.P.Rajagopal,
Partner – M/s. Hotel Saravana Bhavan

3.Mr.R.Saravanan
Son of Late Mr.P.Rajagopal,
Partner – M/s. Hotel Saravana Bhavan

4.Mrs.Valli Ammal
Wife of Late Mr.P.Rajagopal,
Partner – M/s. Hotel Saravana Bhavan

... Defendants

Defendants 1 to 4 at No. 19,
Vadapalani Andavar koil Street,
Vadapalani, Chennai – 600 026.

**C.S.No.319 of 2020**

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Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and Decree against the Defendants:

1. Directing the defendants jointly, severally and co-extensively to pay to the plaintiffs' a sum of Rs.1,72,60,000/- (Rupees One Crore seventy two lakhs and sixty thousand only) together with interest at the rate of 12% per annum on the principal amount of Rs.1,72,60,000/- from the date of plaint till the date of realization
2. Directing the defendants to pay the costs of the suit.

A.No.2742 of 2020

Application praying that this Hon'ble Court be pleased to direct the Respondents herein to furnish security to the extent of the suit claim of Rs.1,72,60,000/-(Rupees One Crore Seventy Two Lakhs and Sixty Thousand Only) on or before a date to be fixed by this Hon'ble Court, failing which direct the attachment of the immovable properties belonging to the 1st Defendant and morefully described in Item No. 1 and Schedule 'B' of Item No.2 in the Schedule hereunder, to the extent of the suit claim, pending disposal of the above suit.

This civil suit along with the application coming on this day before this court for hearing in the presence of Mr.G.Anbumani, Advocate for the plaintiff in C.S.No. 319 of 2020 and for the applicant in A.No. 2742



of 2020 and Ms.A.L.Gandhimathi for Mr.R.Harishankar advocates for the defendants in C.S.No. 319 of 2020 and for the respondents A.No. 2742 of 2020 and upon reading the plaint and the memo dated 01/09/2021 filed in C.S.No. 319 of 2020 and the order dated 21/04/2021 made in A.No. 2742 of 2020 **it is ordered as follow:-**

2) That the suit in C.S.No. 319 of 2020, be and is hereby dismissed as withdrawn

3) That a certificate under section 69 of The Tamil Nadu Court fees and suit valuation Act XIV of 1955 (Amended Act) do issue herein, out of and under the seal of this court in favour of Mr.G.Anbumani, Counsel for the plaintiffs herein, authorising him to receive from the pay and Accounts office, High Court, chennai a sum of Rs. 1,76,125/- (Rupees One Lakh Seventy Six Thousand One hundred and Twenty Five Only) being the entire court fee paid on the plaint by the plaintiff's herein.

3) That the A.No. 2742 of 2020 do stand closed.

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

(Memo)



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21.10.2021

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C.S.No.319 of 2020 and
A.No.2742 of 2020

ORDER
DATED 21/09/2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 28/10/2021

APPROVED ON: 28/10/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

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THE HON'BLE Mr. JUSTICE V.PARTHIBAN

C.S.No.319 of 2020 and
A.No.2742 of 2020

1.Mr.M.Janakiraman

2.Mrs.P.A.Rani

... Plaintiffs

Vs.

1.M/s.Hotel Saravana Bhavan,
A Partnership Firm, Rep by
its Managing Partner Mr.R.Saravanan.

2.Mr.R.Shivakumar

3.Mr.R.Saravanan

4.Mrs.Valli Ammal

... Defendants

Prayer : Complaint filed under Order VII, Rule 1 of C.P.C., r/w Order IV Rule 1 of O.S.Rules, praying to direct the defendants jointly, severally and co-extensively to pay to the plaintiffs' a sum of Rs.1,72,60,000/- together with interest at the rate of 12% per annum on the principal amount of Rs.1,72,60,000/- from the date of complaint till the date of realization and to pay the costs of the suit.

For Plaintiffs

:Mr.G.Anbumani

For Defendants

:Ms.A.L.Gandhimathi for
Mr.R.Harishankar



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ORDER

This civil suit has been filed seeking the above prayer.

2. Today when the matter is taken up for hearing, a memo dated 01.09.2021, has been filed by the learned counsel for the plaintiffs. In the memo, it is stated that the since the suit claim has been settled out of Court between the parties, the plaintiffs may be permitted to withdraw the Suit in C.S.No.319 of 2020, in terms of the decision of the Hon'ble Supreme Court of India in the case of *High Court of Judicature at Madras Vs. M.C.Subramaniam*, reported in (2021) 3 SCC 560, enabling the plaintiffs to get refund of full Court Fee paid at the time of filing of the suit.

3. The memo submitted by the learned counsel for the plaintiffs is taken on record. In view of the said memo, this suit stands dismissed as withdrawn. The contents of the memo shall form a part and parcel of this order. Consequently, connected application is closed. No costs.

4. The learned counsel for the plaintiffs Mr.Anbumani, requested this Court to direct the Registry to refund the Court Fee in favour of the advocate on record.



5. Accordingly, Registry is directed to refund the Court Fee in the name of Mr.G.Anbumani, learned counsel for the plaintiffs in terms of the Original Side Rules read with the provisions of the Tamil Nadu Court Fees and Suit Valuation Act, 1955 and the decision of the Hon'ble Supreme Court of India, cited as above.

Sd/ V.P.N.J
21/09/2021

//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.