



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 1ST DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.621 of 2019

and

O.A.No.966 of 2019

and

A.Nos.1991 of 2020 and 4669 of 2021

Mr.Rajender Singh,
S/o.Sri Poonam Chand,
No.126, Govindappa Naicken Street,
Sowcarpet, Chennai-600 079.

...Plaintiff/ Applicant
(in O.A.No.966 of 2019 and
A.No.1991 of 2020)

-Versus-

Jithendra Kumar Roopchand & Sons (HUF),
rep. by its Kartha, Mr.Jithendra Kumar Roopchand,
residing at No.88/1/5, Narayana Mudali Street,
Chennai-600 079.

...Defendant/ Respondent
(in O.A.No.966 of 2019 and
A.No.1991 of 2020)

C.S.No.621 of 2019:

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

(a) pass a mortgage decree for redemption declaring that the
plaintiff is only due a sum of Rs.5,58,00,000/- towards the principal and
interest to the mortgagee/defendant in respect of the mortgage debt created
under the mortgage dated 11.07.2014, registered as Doc.No.1008 of 2014, at



the S.R.O of Sowcarpet and the defendant shall bring into court all documents in their possession or relating to the mortgage property described in the schedule hereunder and all such documents shall be delivered to the plaintiff or to such person as the plaintiff appoints and to discharge the mortgage deed dated 11.07.2014, registered as Doc.No.1008 of 2014, at the S.R.O of Sowcarpet ;

(b) granting a permanent injunction restraining the defendant or any person acting on their behalf from in any manner bringing the schedule mentioned property to sale either by way of public auction or private sale.

(c) granting a permanent injunction restraining the defendant or any person acting on their behalf from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the schedule mentioned property :

(d) award cost of the suit

O.A. No.966 of 2019:-

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondent or any other person acting on his behalf from in any manner bringing the schedule mentioned property to sale either by way of public auction or private sale pending disposal of the above suit.



A. No.1991 of 2020:-

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Application praying that this Hon'ble Court be pleased to pass an order modifying the order passed on 16.03.2020 in O.A. No.966 of 2019 by directing the applicant to deposit 50% of the suit claim less the payment already made in a sum of Rs.1,10,00,000/- by granting three months time to deposit the same.

A.No.4669 of 2021:

Jithendra Kumar Roopchand & Sons (HUF)

Represented by its Kartha;

Mr.Jithendra Kumar Roopchand,

residing at No.88/1/5, Narayana Mudali Street,

Chennai- 600 079

..Applicant/Defendant

vs

Mr.Rajender Singh,

S/o.Sri Poonam Chand,

No.126, Govindappa Naicken Street,

Sowcarpet, Chennai-600 079

...Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to frame additional issues in this suit in C.S.No.621/2019.

This civil suit along with these applications coming on this day before this Court for hearing in the presence of Mr.R.Manickavel, Advocate for the plaintiff in C.S.No.621 of 2019 and for the applicant in O.A.No.966 of 2019 and A.No.1991 of 2020 and for the respondent in A.No.4669 of 2021 and

Mr.S.Ramesh Kumar, Advocate for the defendant in C.S.No.621 of 2019



and for the respondent in O.A.No.966 of 2019 and A.No.1991 of 2020 and for the applicant in A.No.4669 of 2021 and upon reading the plaint filed herein and the order dated 04.01.2021 made in A.No.1991 of 2020 and O.A.No.966 of 2019 in C.S.No.621 of 2019, and the memo dated 01.04.2022 having been filed by the counsel for plaintiff herein and the Learned counsel for the plaintiff herein submits that during the pendency of the suit the dispute between the plaintiff and the defendant has been amicably settled out of Court and he sought permission of this Court to withdraw the above suit and he has also filed a memo dated 01.04.2022 to that effect and this Court doth recording the same,

It is ordered as follows:

1. That the Civil Suit in C.S.No.621 of 2019 be and is hereby dismissed as settled out of Court.

2. That a certificate under section 69 of Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Amendment Act) do issue herein, out of and under the seal of this court in favour of Rajender Singh, the plaintiff herein, authorising him, to receive from the Pay and Accounts Office, High Court Chennai, for a sum of Rs.5,62,000/- (Rupees Five Lakhs and Sixty Two Thousand only) being the entire court fee paid on the plaint by the plaintiff herein.



3. That the O.A.No.966 of 2019 and A.Nos.1991 of 2020 and 4669 of 2021 do stand closed.

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

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 01ST DAY OF APRIL 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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C.S.No.621 of 2019
and
O.A.No.966 of 2019
and
A.Nos.1991 of 2020 and 4669 of 2021

ORDER

DATED : 01.04.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL: 21.04.2021

APPROVED ON : 21.04.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S.No.621 of 2019

and

O.A.No.966 of 2019

and

A.Nos.1991 of 2020 & 4669 of 2021

Rajender Singh

.. Plaintiff

/versus/

Jithendra Kumar Roopchand & Sons (HUF)

represented by its Kartha

Mr.Jithendra Kumar Roopchand

residing at

No.88/1/5, Narayana Mudali Street

Chennai – 600 079.

..Defendant

Prayer: Civil Suit has been filed under Order XXXIV of CPC read with Order XXXVII Rule 1 of High Court Original Side Rules praying to pass a judgment and decree :-

(Amended as per order dated 23.01.2020 in Appln.No.9836 of 2019 and time extended as per order dated 5.2.2020)

(a) pass a mortgage decree for redemption declaring that the plaintiff is only due a sum of Rs.5,58,00,000/- towards the principal and interest to the mortgagee/defendant in respect of the mortgage debt created under the mortgage dated 11.07.2014, registered as Doc.No.1008 of 2014, at the S.R.O. of Sowcarpet and the defendant shall bring into court all documents in their possession or relating to the mortgage property described



in the schedule hereunder and all such documents shall be delivered to the plaintiff or to such person as the plaintiff appoints and to discharge the mortgage deed dated 11.07.2014, registered as Doc.No.1008 of 2014, at the S.R.O of Sowcarpet and pass such further or other order and orders as this Hon'ble Court may deem fit and proper in the circumstances of the case ;

(b) granting a permanent injunction restraining the defendant or any person acting on their behalf from in any manner bringing the schedule mentioned property to sale either by way of public auction or private sale.

(c) granting a permanent injunction restraining the defendant or any person acting on their behalf from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the schedule mentioned property :

(d) award cost of the suit

(e) grant such further or other reliefs as may be deemed fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : Mr.R.Manickavel

For Defendant : Mr.S.Ramesh Kumar

J U D G M E N T

Learned counsel for the plaintiff submits that during the pendency of the suit the dispute between the plaintiff and the defendant has been amicably settled out of Court and he seeks permission of this Court to withdraw the above suit. He has also filed a memo dated 01.04.2022 to that effect and the same is recorded.



2. In view of the above, the civil suit is dismissed as settled out of Court. Registry is directed to refund necessary Court fee to the plaintiff as per Rules. No costs. Consequently, connected applications are closed.

Sd/-P.V.J.
01.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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