



AS.No.860 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

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MP.No.1 of 2014

C.Udaya Bhanu

Appellant

Vs

Appadurai

Respondent

Prayer:- This Appeal Suit has been filed, under Section 96 of CPC, against the judgement and decree, dated, 22.07.2011, passed in OS.No.7455 of 2010, by the Additional District Court (FTC No.I), Chennai.

For Appellant : Mr.C.Rajan

For Respondent : Mr.P.Sankaranarayanan

JUDGEMENT

(Judgement of the Court was made by S.S.SUNDAR, J.)

1. The Defendant in OS.No.7455 of 2010, on the file of the Additional District Court (FTC No.I), Chennai, is the Appellant in the above appeal.
2. The Respondent herein, as Plaintiff, filed the above suit for recovery of a sum of Rs.13,42,958.78/- with interest 18% p.a. from the date of the plaint till the



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date of payment. However, the suit was decreed by the Trial Court, holding that the Plaintiff is entitled to a sum of Rs.9,12,026.78/- with interest at 12% p.a. from the date of plaint till the date of realisation. Aggrieved by the judgement and decree of the Trial Court, the above appeal is filed.

3. During the pendency of the appeal, the Respondent herein filed an execution petition in EP.No.3463 of 2012 in OS.No.7455 of 2010, for recovery of the decretal amount. Now, it is reported before this Court that the Appellant and the Respondent herein have settled the issue out of Court and to that effect, the parties have filed a Memo of Compromise, dated 20.12.2022, signed by them as well as their respective counsel appearing before this Court. The learned counsel on either side has stated that the said Memo of Compromise was signed by the respective parties in their presence.

4. The terms of the said Memo of Compromise, dated 20.12.2022, read as follows:-

“3. The Appellant guarantees for the clearance of the aforesaid cheques on the stipulated dated and undertakes that it is his personal liability to clear the aforesaid cheques and that the cheques pertain to his bank account and are signed and issued by him. If any cheque payment is delayed due to any unforeseen reasons the Appellant agrees to pay normal interest for the said period and the Respondent agrees for the same.

4. The Appellant is withdrawing the above Appeal Suit as settled out of court in the aforesaid manner.

5. The Respondent undertakes to record full satisfaction in EP.No.3463 of 2012 in OS.No.7455 of 2010, pending, on the file of IX Assistant Judge, City Civil Court, Chennai, on receipt of the



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aforesaid amount of Rs.12,00,000/- in his account.

6. On recording full satisfaction in EP.No.3463 of 2012 in OS.No.7455 of 2010, the order of attachment in respect of the Appellant's property in EP.No.3463 of 2012 in OS.No.7455 of 2010, pending on the file of the IX Assistant Judge, City Civil Court, Chennai, shall be raised and the same shall be communicated to the concerned Registrar Office.”

5. It is reported that the Appellant has agreed to pay a sum of Rs.12,00,000/- in

full quit of the claim in the pending execution petition and accordingly, a sum of Rs.12,00,000/- is paid to the Respondent by the Appellant, as per the details furnished in the said Memo of Compromise, dated 20.12.2022. Though the payments were acknowledged by way of receipt of post dated cheques, the Appellant has undertaken that it is his personal liability to clear the cheques.

6. Recording the submissions of the learned counsel on either side and the Memo of Compromise, dated 20.12.2022, this Appeal Suit is disposed of, in terms of the said Memo of Compromise. The Memo of Compromise, dated 20.12.2022 shall form part of the records. The Appellant is entitled to refund of the Court Fee in view of the settlement arrived at between the parties out of Court. Hence, the Court Fee shall be refunded to the Appellant on proper application being filed.

(S.S.S.R.J.) & (A.A.N..J.)
20.12.2022

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Index:Yes/No

Web:Yes/No

Speaking/Non Speaking



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To

1. The Additional District Court (FTC No.I), Chennai
2. The Record Keeper, VR Section, Madras High Court



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and
A.A.NAKKIRAN, J.

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