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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.S.No.895 of 2001

Madhukanta S.Kanaka

....Plaintiff

Vs.

1.R.Purushothaman (Deceased)

2.P.Dhanalakshmi

3.P.Selvakumar

....Defendants

*[D2 & D3 L.Rs of the deceased 1st
respondent as per order dated
15.10.2008 in Appl.No.4476 of
2008]*

PRAYER: Complaint filed under Order VII Rule 1 of CPC r/w Order IV Rule 1 of the O.S.Rules, praying to pass judgment and decree against the defendant:-

a) a sum of Rs.15,00,000/-, together with interest at 36% p.a thereon, to be compounded in quarterly rests, from the date of the complaint till payment of realization.

b) costs of the suit.

For Plaintiff : Mr.Sandeep S.Shah

For Defendants

For D1 : Deceased

For D2 & 3 : Mr.R.Shanmugham
for M/s.Shanmugha Associates



JUDGMENT

The suit is for recovery of sum of Rs.15,00,000/-, together with interest at 36% per annum at compounded quarterly rests, from the date of the plaint till payment of realization.

2.The suit was initially filed against the defendant, R.Purushothaman. Pending the suit, the 1st defendant died and his wife and son were impleaded as defendants 2 and 3.

3.Pending the above suit, the parties have amicably settled the disputes and have filed a Joint Memorandum of Compromise, in and by which the plaintiff has received a Demand Draft dated 13.01.2025 for Rs.25,00,000/- drawn on Bank of Maharashtra, in full and final settlement of the suit claim.

4.It is brought to my notice that before the compromise could be recorded, the 2nd defendant i.e., the wife of the 1st defendant passed away. However, it is not in dispute that the 3rd defendant is the only surviving legal heir of the 2nd defendant and hence, the memo filed by the plaintiff is taken on file and the same is recorded. The plaintiff is directed to carry out necessary amendment in the long and short cause title of the plaint,

<https://www.mhc.tn.gov.in/judis> within a period of two weeks from today.



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5.The parties are present and they have also affirmed the settlement arrived at and in fact, the Demand Draft for Rs.25,00,000/- has been handed over by the 3rd defendant to the plaintiff in my presence. The same is recorded. The original documents of title have been returned to the 3rd defendant today across the Demand Draft being handed over by the 3rd defendant to the plaintiff.

6.In view of the above, the suit is dismissed as settled out of Court. Registry is directed to hand over all the original documents filed by the plaintiff to enable necessary consequent registration of discharge of the mortgage.

7.The learned counsel for the plaintiff shall substitute the original documents with certified copies and across filing a memo, the Registry shall return the documents without insisting on any formal applications. The Registry shall issue the certified copy of the judgment and decree within a period of four weeks from today.

24.01.2025

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P.B.BALAJI, J.

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