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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.S.No.512 of 2017

and

A.No.5647 of 2017

1. M.Kabilan
2. K.Shanthi
3. B.Bhuvaneshwari

... Plaintiffs

/versus/

1. Senior Manager & Authorised Officer,
State Bank of India,
Stressed Assets Recovery Branch,
No.32, Montieth Road,
“Red Cross Buildings”
Egmore,
Chennai – 600 008.
2. State Bank of India,
Stressed Assets Management,
Regional Office (South),
2nd Floor, New Annexe Building,
65, St.Marks Road,
Bengaluru – 56.
3. P.R.Shanmugam
4. M.K.Nidhivanan
5. S.Nithyanandam
6. S.Vinayakamurthy
7. Amsaveni
8. Umamaheswari
9. V.Srinivasan

... Defendants



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This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules, read with Order VII Rule 1 of the Code of Civil Procedure, 1908, prayed for a Judgment and Decree against the defendant:-

a) Directing the Defendants 1 and 2 jointly and severally to pay to the plaintiffs the sum of Rs.1,38,33,726/- together with future interest at the rate of 18% per annum monthly interest on Rs.1,01,19,340/- from the date of plaint till date of realisation, the transaction being one commercial in nature, interest is claimed monthly rests;

b) Directing all the Defendants jointly and severally to pay to the Plaintiffs the sum of Rs.1,00,00,000/- with future interest at 18% per annum towards damages arising out of breach of contract entered into with the 1st Defendant on 12.06.2015;

c) such further or other reliefs;

d) Costs of the suit.

For Plaintiff : Mr.R.Thiagarajan

For Defendant : Mr.M.L.Ganesh



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JUDGMENT

The plaintiff has filed a memo on behalf of the plaintiff, wherein it has been stated as follows:

“The Plaintiffs above named beg to submit as follows:-

That they had filed the above suit for recovery of money and damages. During the pendency of civil suit the Defendant Bank had refunded the entire sale consideration along with the Stamp Duty and Registration Charges. Upon receipt of the said amount the Sale Deed in favor of the plaintiffs has been duly cancelled. Since the Principal relief has been satisfied, the Plaintiffs request permission to withdraw the Civil Suit in C.S.No.512 of 2017 and the Court fees paid by them may be refunded in the name of the first plaintiff and handed over to the Counsel for Plaintiff and thus render justice.”

sd/-

Counsel for the plaintiffs”



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2. Recording the same, this suit is dismissed as having settled out of Court. No order as to costs. No costs. Consequently, connected Application is closed. The memo filed by the learned counsel for the plaintiff shall form part of the decree.

3. Registry is directed to refund the Court fee in the name of the first plaintiff interms of Section 69-A of the Tamil Nadu Court Fees Act, within a period of 30 days from today, subject to the plaintiff complying with the other requirements.

08.12.2022

rgm

Internet : Yes / No

Index : Yes / No



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C.SARAVANAN, J.

rgm

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