



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6673 of 2017 and

W.M.P. (MD)Nos.5248 of 2017 & 23098 & 23100 of 2019

P. Siva Kumar

... Petitioner

Vs.

1. The Secretary to Government,
Commercial Taxes & Registration Department,
Registration Department, Chennai.

2. The Deputy Registrar of Chits,
Office of the District Registrar,
Coimbatore 641 018.

3. Mythili Chits (P) Ltd,
Old No.37, New No.53,
Chinnasamy Naidu Layout,
Lakshipuram, Peelamedu,
Coimbatore 641 004.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 28.02.2017 made in G.O.(D)No.85 on the file of the respondent No.1 and quash the same and consequently direct the respondent No.1 to decide the appeal filed by the petitioner dated 14.11.2016 to set aside the ex-parte award in ARC No.3 of 2013 dated 29.09.2014 passed by the respondent No.2 on merits.

For Petitioner : Mr.Y. Prakash

For R-1 & R-2 : Mr.J.K. Jayaselan,
Government Advocate.

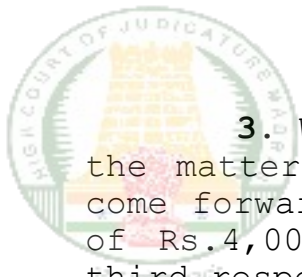
For R-3 : Mr.M.R. Sreenivasan

* * *

O R D E R

Heard the learned counsel on either side.

2. The petitioner questions the impugned order dated 28.02.2017 passed by the first respondent dismissing the petitioner's chit appeal.



3. When the matter was taken up for hearing, I suggested that the matter can be amicably resolved. Thereupon the petitioner has come forward with an affidavit of undertaking agreeing to pay a sum of Rs.4,00,000/- within a period of four months from today. The third respondent in order to give quietus to the issue is willing to accept the same towards full and final settlement. In view of the consensus arrived at between the parties, the order impugned in this writ petition is set aside and this writ petition is disposed of in terms of the undertaking given by the petitioner. The affidavit of undertaking is as follows:-

" 3. The ARC proceedings came to be initiated by the respondent No.3 and he managed to obtain an award against me. I submit that pending the above writ petition, I have entered into a One Time Settlement with the respondent No.2 the terms of which are as follows:-

a. The respondent No.3 is at liberty to withdraw the amount of Rs.2,00,000/- (Rupees Two Lakhs only) with accrued interest deposited by me on 20.09.2017 to the credit of EP No.229 of 2015 pending on the file of the Principal Sub Court, Dindigul pursuant to the interim order of this Honourable Court made on 31.08.2017. Any application for payment out of the aforesaid deposit amount by the respondent No.3 before the Principal Sub Court, Dindigul, shall not be objected by me.

b. Apart from the above amount of Rs.2,00,000/- (Rupees Two Lakhs only) with accrued interest payable as above, I further undertake to pay the sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the respondent (*)No.3 within a period of 4 months from today.

4. I submit that I will abide by the above compromise terms and in the event of my default to honour the commitment as above, the respondent is at liberty to proceed against me and execute the award in ARC No.3 of 2013 against me."

4. If the petitioner fails to adhere to aforesaid undertaking, this writ petition would stand automatically dismissed without any further reference to this Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

(*)Amended as per the order of this court made in WP(MD).No. 6673 of 2017 dated 12.10.2022

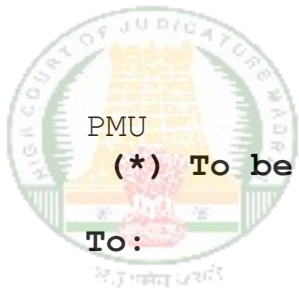
Sd/-

Assistant Registrar(CS-II)

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13/10/2022

Sub Assistant Registrar(CS)



(*) To be substituted the order already despatched on 20.07.2022

To:

1. The Principal Subordinate Judge, Dindigul.
 2. The Secretary to Government,
Commercial Taxes & Registration Department,
Registration Department, Chennai.
 3. The Deputy Registrar of Chits,
Office of the District Registrar, Coimbatore 641 018.
- +1 CC to M/s.SPL.GP (**SR-49206[F]** dated 18/07/2022)
- +1 CC to M/s.M.R.Sreenivasan, Advocate (**(*) 49360** dated 19/07/2022)

W.P. (MD) No. 6673 of 2017
15.07.2022

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TR(20.07.2022) 3P 6C

KB(13.10.2022) 3P 6C