



C.M.P.No.2911 of 2022
in A.S.No.182 of 2006

V.BHAVANI SUBBAROYAN, J.

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C.M.P.No.2911 of 2022 has been filed to allow the petitioner withdraw a sum of Rs.3,75,455/- deposited by the respondents 1 and 2 in C.M.P.No.2174 of 2007 to the credit of A.S.No.182 of 2006 dismissed on 02.11.2020.

2.The respondents 1 and 2 filed an appeal against the decree and judgment passed in O.S.No.3873 of 2001 dated 30.06.2005 by the II Fast Track Court, Additional District Judge, Chennai. This Court by its order dated 02.11.2020 dismissed the appeal filed by the respondents 1 and 2 with cost of Rs.20,000/-.

3.It was submitted that subsequent to the judgment, the petitioner and the respondents 1 and 2 agreed to arrive at an amicable settlement and the same was given effect to by entering into a Memorandum of Understanding dated 30.03.2021 and as per one of the clause in the said M.O.U is that the respondents 1 and 2 shall cooperate with the petitioner to withdraw a sum of Rs.3,75,455/- which was deposited by the respondents 1 and 2, being the conditional order imposed by this Court and the respondents 1 and 2 having complied with the same pending the appeal proceedings.



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4.It was further submitted that if the application is not allowed, the petitioner will be put to monetary loss and hardship, on the other hand, the respondents 1 and 2 will not be prejudiced in any manner.

5.Heard both sides.

6.Considering the facts and circumstances of the case and the submission made by the learned counsel appearing on either side, this Court is inclined to allow this petition. Accordingly, the petition is allowed. It is made clear that the company to produce necessary document to prove their authorization.

02.02.2023

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