



C.R.P. No. 3100 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3100 of 2022

and

C.M.P.No.16659 of 2022

1. Mr.Sivasuriyan

2. Mrs. S. Kanchana

3. Mr.A.Rajendran

...Petitioners

.Vs.

T.K.Govindan

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 15.07.2022 passed by the IV Additional City Civil Court, Chennai in I.A.No.3 of 2021 in O.S.No.4442 of 2020 and pass orders.



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For Petitioner : Mr. N. Kumar Rajan

For Respondent : Mr.R. Muthukumar

ORDER

This petition is filed to set aside the order dated 15.07.2022 passed by the IV Additional City Civil Court, Chennai in I.A.No.3 of 2021 in O.S.No.4442 of 2020.

2. Today when the matter is taken up for hearing, the learned counsel for the petitioners and the respondent submitted that the matter is settled and they have also filed a Joint memo of compromise to that effect and the same is extracted hereunder:

1. The Respondent filed the suit in O.S.No.4442 of 2020 on the file of IV Additional City Civil Judge, Chennai for recovery of a sum of Rs.22,00,000/- (Rupees Twenty Two Lakhs Only) with interest at the rate of 24% per annum from the date of plaint to till it's realization against the Revision Petitioner under Order XVII of C.P.C. the Revision Petitioners entered their appearance and filed the leave to defend petition in I.A.No.3 of 2021 and the Hon'ble IV Additional City Civil Judge, Chennai dismissed the said Leave to Defend Petition in I.A.No.3 of 2021 by its order dated 15.07.2022 and decreed the suit in O.S.No.4442 of 2020. The Revision Petitioners preferred this revision against the dismissal of Leave to defend petition.



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2. *This Hon'ble Court Granted interim stay of the trial Court Judgment with a condition to deposit a sum of Rs.6,00,000/- (Rupees six Lakhs only) and the Revision petitioners complied the said condition and deposited a sum of Rs.6,00,000/- before the Trial Court.*

3. *Under these circumstances, the parties herein are desirous to settle the issue by amicable settlement, and the Revision Petitioners set their hands with the Respondents on the following compromise terms as follows:*

A. The Revision Petitioners agreed to pay the suit claim amount of a sum of Rs.22,00,000/- to the Respondent as full and final settlement and the Respondent agreed for the same.

B. The Revision Petitioners have today paid a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs Only) to the Respondent in the following manner:

i) a sum of Rs. 4,00,000/- (Rupees Four Lakhs Only) by way of Demand Draft bearing No.029145 dated 04.07.2023 drawn on H.D.F.C. Bank, Washermenpet Branch, Chennai in favour of the Respondent.

(ii) a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) by way of Demand Draft bearing No.029144 dated 04.07.2023 drawn on H.D.F.C Bank, Washermen Branch, Chennai in favour of the Respondent.

(iii) a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) by way of Demand Draft bearing No.721581 dated 04.07.2023 drawn on D.C.B Bank, Parrys Corner Branch, Chennai in favour of the Respondent.



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(iv) a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) by way of Demand Draft bearing No.721580 dated 04.07.2023 drawn on DCB Bank, Parrys Corner Branch, Chennai in favour of the Respondent.

C) The Respondent agrees to withdraw a sum of Rs.6,00,000/- (Rupees Six Lakhs Only) deposited by the Revision Petitioners before the IV Additional City Civil Court, Chennai to the credit of the suit in O.S.No.4442 of 2020 and the Revision Petitioners shall give no objection for the same before the IV Additional City Civil Court, Chennai

D) The Respondent hereby agree to handover the original title documents of the Revision Petitioners in respect of the property standing in the name of Mrs.Kanchana and the power of Attorney executed by R.Baskaran in favour of A.Rajendran.

E) The Revision Petitioners and the Respondent shall have no claims whatsoever against each other.

Recording the Joint compromise memo filed by the Revision petitioner and Respondents this Civil Revision Petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed. The Joint compromise memo filed by the Revision petitioners and Respondents which is extracted above forms part of this order.

11.09.2023

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To.

1. The IV Additional City Civil Court, Chennai



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V.BHAVANI SUBBAROYAN,J.
Smn

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