



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.No.468 of 2020

and

C.M.P.No.3629 of 2021 and 572 of 2023

1.P.Ramesh Babu

2.P.Padmaja

... Appellants

Vs.

D.Prakashchand

... Respondent

Prayer: Appeal Suit is filed under Section 96 and Order XLI Rule 1 of the Code of Civil Procedure, to set aside the Judgment and Decree passed in O.S.No.5671 of 2018 by XV Additional City Civil Court, Chennai on 25.02.2019.

For Appellants : Mr.L.Chandrakumar

For Respondent : Mr.C.Ravi Chandran

J U D G M E N T

The learned counsels for the appellants and the respondent made a submission that the parties to the Appeal Suit have settled the disputes and accordingly, a Joint Memo of Compromise has been filed, which reads as follows:-



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“By consent, all parties agreed to settle their dispute on the following terms:-

- (i) The respondent / plaintiff agrees to receive Rs.15,00,000/- (Rupees Fifteen Lakhs only) as full and final settlement of his claim in O.S.No.5671 of 2018.*
- (ii) Rs.7,00,000/- (Rupees Seven Lakhs only) deposited to the credit of O.S.No.5671 of 2018 pursuant to the orders of this Hon'ble Court in C.M.P.No.3630 of 2021 in A.S.No.468 of 2020 be withdrawn by the respondent for which appellants has no objection.*
- (iii) Appellants have this day paid Rs.8,00,000/- (Rupees Eight Lakhs only) by cash and the respondent has received the same.*
- (iv) The respondent / plaintiff shall 'not press' the Insolvency proceedings in I.P.No.009/2020.*
- (v) Respondent / plaintiff has no objection to raise the attachment ordered by the Hon'ble XV Additional City Civil Court, Chennai in I.A.No.13429 of 2018 and the same may be raised and the Sub-Registrar, Anna*



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Nagar be directed to raise the order of Attachment.

(vi) The appellants are entitled to refund the Court Fee paid in the appeal, since the matter is settled out of Court and the refund of Court Fee may be ordered in the name of First Appellant.

This memo shall form part of the judgment.”

2. In view of the compromise between the parties, no further adjudication needs to be undertaken in respect of the grounds raised in the Appeal Suit.

3. The Joint Memo of Compromise shall be treated as a part of the appeal and accordingly, the Appeal Suit in A.S.No.468 of 2020 stands disposed.

4. The Registry, High Court is directed to refund of the Court fee to the appellants as per the Rules in force.



5. The attachment orders, if any, made by the Trial Court stands released.

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6. The connected Miscellaneous Petitions are closed. However, there shall be no orders as to costs.

24.02.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes



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To

The Judge,
XV Additional City Civil Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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