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C.R.P.Nos.39 to 41 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.Nos.39 to 41 of 2023

and

C.M.P.Nos.322, 368 & 370 of 2023

The State Bank of India,
[S.A.R.C]
Small and Medium Enterprises Centre,
No.157, Anna Salai, 5th Floor,
Chennai – 600002.
Represented by its Manager.

... Petitioner
(in all 3 C.R.Ps)

Vs.

J.Saravanan

... Respondents
(in all 3 C.R.Ps)

Prayer in C.R.P.No.39 of 2023: Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the order and decree dated 02.12.2022 in I.A.No.3 of 2022 in O.S.No.4365 of 2018, on the file of VIII Assistant Judge, City Civil Court, Chennai.

Prayer in C.R.P.No.40 of 2023: Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the order and decree dated 02.12.2022 in I.A.No.4 of 2022 in O.S.No.4365 of 2018, on the file of VIII Assistant Judge, City Civil Court, Chennai.



Prayer in C.R.P.No.41 of 2023: Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the order and decree dated 02.12.2022 in I.A.No.5 of 2022 in O.S.No.4365 of 2018, on the file of VIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.M.Suresh

ORDER

The civil revision petitions filed to set aside the order and decree dated 02.12.2022 in I.A.Nos.3, 4 & 5 of 2022 in O.S.No.4365 of 2018.

2. The learned counsel for the petitioner made a submission that the parties have entered into compromise and accordingly, filed joint compromise memo as follows:

“The plaintiff Bank has filed the above suit against the defendant before this Hon'ble Court for recovery of a sum of Rs.2,24,365.00 (Rupees Two Lakh Twenty Four Thousand Three Hundred and Sixty Five Only), with future interest thereon from the date of the suit till the date of realization of the entire dues and the said suit is still pending before this Hon'ble Court.



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1) During the pendency of the above suit, the Defendant has requested the plaintiff Bank to grant certain concessions and submitted a OTS proposal for settlement of due of the defendant. After careful consideration, the Plaintiff Bank has agreed to accept OTS offer of Rs.1,00,000 Lakh towards settlement of due of the defendant with the following terms and conditions.

<i>Amount of Compromise Offer</i>	<i>Rs.1,00,000.00</i>
Terms of Payment	I) Upfront amount of Rs.10,000 paid by the defendant will be appropriate towards settlement account. The balance amount of Rs.90,000, should be paid on or before 28.02.2023.
Default Clause	Joint Compromise Memo with default clause has to be filed in Court (in the suit). The default clause will be invoked if any of the terms and conditions of OTS is not fulfilled.

2) The defendant agree that in case of their failure to pay the compromise amount of Rs.1,00,000.00 (Rupees One Lakh only) as mentioned above, or default in making payment of even one of the installment as agreed upon, the entire relief, benefits concessions, waiver of interest etc., granted by the Plaintiff Bank shall



stand automatically withdrawn and the defendant shall be liable to pay the claim amount of Rs.2,24,365.00 (Rupees Two Lakh Twenty Four Thousand Three Hundred and Sixty Five Only) with further interest at contractual rate from the date of suit till the date of realization of the entire dues and cost, giving credit to all the amounts, if any, paid by the defendant.

3) The Plaintiff Bank and Defendant pray that this Hon'ble Court may kindly pass an order by recording the above terms and conditions of this Joint Memo of Compromise Settlement and pass further orders as deemed fit by this Hon'ble Court and thus render justice.”

3. In view of the joint compromise memo filed by the petitioner and the respondent, no further adjudication of issues are required and accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.01.2023

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Index : Yes
Neutral Citation : Yes
Speaking order



To

The Judge,
VIII Assistant City Civil Court,
Chennai.

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S.M.SUBRAMANIAM, J.

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