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C.R.P.(MD)No.84 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.84 of 2023

M.Seenivasan

.. Petitioner

Versus

1.M.Narayanan

2.The Branch Manager,
DCB Bank, Tallakulam Branch,
Tallakulam, Madurai – 625 002.

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to set aside the return order in Settled Out of Court Memo, dated 20.12.2022, in O.S.No.400 of 2022, on the file of the VI Additional District Court, Madurai and to pass appropriate order in accordance with law.

For Petitioner : Mr.B.Sukumar

ORDER

The present Civil Revision Petition has been filed against the return order in Settled Out of Court Memo, dated 20.12.2022, in O.S.No.400 of 2022, on the file of the VI Additional District Court, Madurai.

2. The dispute between the parties has been settled by filing a Settled Out of

Court Memo, dated 08.12.2022, which reads as under:-

<https://www.mhc.tn.gov.in/judis>



"Settled Out of Court Memo filed on the side of the plaintiff"

It is submitted that the plaintiff filed the suit against the 1st defendant to execute the sale deed in favour of the plaintiff and permanent injunction against the 1st defendant before this Hon'ble Court. During the pendency of the suit, the plaintiff received the compromise amount from the 1st defendant. Now, the suit claim was settled by the plaintiff and the defendant amicably settled out of court and the court fee may be refunded to the plaintiff as per Rules. To that effect this memo is filed."

3. However, the VI Additional District Judge, Madurai, has raised an objection, which reads as under:-

"Returned :

How this Settled Out of Court Memo is entertainable since the Tamil Nadu Act 29/12 Amendment of Section 17 of the Registration Act, 1908 has been substituted by clauses (f), (g), (h), (i) which came into force with effect from 01.12.2012 under Article 5 of schedule 1 to the Indian Stamp Act, 1989 in clause (g) instruments of agreements relating to the sale of immovable property of the value One Hundred Rupees and upwards. In this case, the Document No.3 which is filed by the plaintiff was not registered at the time of filing and the Document No.6 required Stamp duty with Penalty which was returned on 10.08.2022 by the Hon'ble Principal District Judge, Madurai, is not yet paid. Hence returned. Time One Week."

4. Considering the fact that the dispute has already been settled out of Court, there is no necessity for raising any further queries. Therefore, this Civil Revision



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Petition is allowed, by setting aside the return order in Settled Out of Court Memo,
dated 20.12.2022, in O.S.No.400 of 2022. No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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29.03.2023

Note:- Registry is directed to return all the original documents filed along with this revision after getting attesting copies of the same.

To

The VI Additional District Judge,
Madurai.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.84 of 2023

29.03.2023