



CRP.No.2933 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.2933 of 2024 &
CMP.No.15677 of 2024

M/S.COLOUR COTTON INDIA
Rep by its Proprietor Mr.Ratan Singh
No. 2, 3rd Cross Street, Kasturba Nagar,
Adayar, Chennai 600 020

... Petitioner

Versus

THE KASTURBA NAGAR RESIDENTS
Association Rep by its Secretary Mr.V.C.Kannan
S/o. S.Vaidyalingam No. 5, Old No. 2, 3rd Cross St,
Kasturba Nagar, Adayar, Chennai 600 020

... Respondent

PRAYER : Petition filed under Article 227 of the Constitution of India, to set aside the order dated 04.07.2022 vide in I.A.No. 3/2022 in O.S.No. 855 of 2022 on the file of learned XVIII Additional City Civil Court, Chennai.

For petitioner : M/s.Menaka

For Respondent : Mr.K.V.Babu

ORDER



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This petition has been filed seeking to set aside the order dated 04.07.2022 vide in I.A.No. 3/2022 in O.S.No. 855 of 2022 on the file of learned XVIII Additional City Civil Court, Chennai.

2. When the matter was taken up, it is stated by the learned counsel that the matter has been settled between the parties outside the Court and they have entered into a memorandum of understanding on 12.12.2024. The said memorandum of understanding is produced before this Court, which would read as follows:

"1. It is notified that the decree amount in OS.No.855/2022 amounts to about Rs. 24,87,800/- with interest at rate of 24 % as ordered by the Hon'ble XVIII Additional City Civil Court, Chennai. Needless to state that the said decree was challenged by the second part by way of Revision vide in CRP.No.2993/2024 before the Hon'ble High Court of Jurisdiction at Madras. Apart from it, the first party had filed execution petition vide in EP.No.1627/2023 on the file of IX Assistant City Civil Court, Chennai and both are pending as of now.

2. It is agreed by both the parties have been accepted that the Second party is ready to pay a sum of Rs.25,00,000/- (Rupees Twenty-Five Lakhs) by way of DD.No.063033 dated 02.12.2024 at Federal Bank, Royapet, Chennai Branch to and in favour of the first party that the said Lump sum for rental arrears as full and final settlement. (i.e., for the decretal amount in O.S.No.855 of 2022 XVIII Additional City Civil Court, Chennai)

2(a). The first party received the said lumpsum today itself (i.e.,) of Rs.25,00,000/- (Rupees Twenty-Five Lakhs) from the second party and the following pending cases will be withdrawn by the respective parties.



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S.NO	CASE NUMBER	RELIEF	STATUS
1	E.P.No.1627/2023 (IX Asst City Civil Court, Chennai) The Kasturba Nagar Residence Association -vs- M/s.Colour Cotton India	Petition seeking to execute the order dated 04.07.2022 in O.S.No.855 of 2022 passed by the XVIII Additional City Civil Court, Chennai	Pending Next Hearing 03.01.2025
2	C.R.P.No.2993/2024 (High Court :: Madras) M/s.Colour Cotton India vs The Kasturba Nagar Residence Association	Revision to set aside the order in IA.No.3/2022 in OS.No.855/2022 passed by the XVIII Additional City Civil Court, Chennai	Pending

3. The part of the First party here by agreed to file this Memorandum of Understanding and to withdraw or not pressing the E.P.1627 of 2023 is pending before the Hon'ble IX Assistant City Civil Court at Chennai and also, undertake not to proceed with the attachment proceedings in the Execution petition in any manner.

4. It is hereby agreed by the second party that the second part agreed to withdraw the CRP.No.2933 of 2024 which is pending before the Hon'ble High Court Judicature, Madras.

5. It is agreed by the First Party that after the execution of the MOU stated above, there shall be no claim (past and future except this MOU) left between the parties against each other in any manner whatsoever. The FIRST PARTY shall not raise any claim/Any suit against the Second party.

6. This MOU is executed in multiple parts and each part shall be deemed to be an original but all of which together shall constitute one and the same instrument.



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7. Both the parties have executed this MOU by mutual consent and without any force, coercion, misrepresentation, pressure from any corner and after going through and understanding the contents of the same.”

3. The said memorandum of understanding shall form part of the order.

Accordingly, this Civil Revision Petition stands disposed of in terms of the memorandum of understanding. No costs. Consequently, the connected miscellaneous petition is closed.

12.12.2024

Index : Yes / No

Internet: Yes/No

Speaking/non speaking order

dhk

To

XVIII Additional Judge
XVIII Additional City Civil Court, Chennai

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N. SATHISH KUMAR, J.

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