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Application No.5990 of 2024
in C.S.No.543 of 2018

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ABDUL QUDDHOSE, J

This application has been filed pursuant to the permission granted by this Court by judgment dated 24.01.2022 passed in C.S.No.543 of 2018. By judgment dated 24.01.2022, this Court had recorded the Joint Memorandum of Compromise entered into between the plaintiff and the defendant dated 21.01.2022 and after recording the same, dismissed the suit as settled out of Court. Admittedly, the plaintiff's suit claim has been settled by the defendants. However, during the pendency of the suit, a sum of Rs.55,14,924.29 was deposited to the credit of A.No.6058 of 2018 in C.S.No.543 of 2018 by the applicant/defendants to secure the suit claim of the plaintiff. Since the suit claim of the plaintiff has been settled as recorded in the Memorandum of Compromise and as seen from the judgment dated 24.01.2022 in C.S.No.543 of 2018, the prayer sought for in this application viz., ordering payment out of a sum of Rs.55,14,924.29 lying to the credit of A.No.6058 of 2018 in C.S.No.543 of 2018 in favour of

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the applicant/second defendant has to be granted. Accordingly, this application is allowed as prayed for. Registry is directed to issue a cheque favouring the applicant/second defendant as expeditiously as possible.

27.11.2024

gm

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