



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

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C O R A M

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.No.3260 of 2024
and
C.M.P.No.17411 of 2024

1.Sumathi
2.Sooraj Muraleedharan
3.Sujith Muraleedharan

... Petitioners

Vs.

Uma

... Respondent

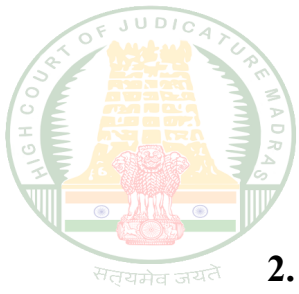
PRAYER: Civil Revision Petition filed under section 115 of Civil Procedure Code, 1908, to set aside the impugned fair and decreetal order of the learned Subordinate Judge, Poonamallee passed in I.A.No.1 of 2022 in O.S.No.87 of 2017 dated 05.06.2024.

For Petitioners : M/s.Sathyanathan

For Respondent : Mr.K.J.Parthasarathy

ORDER

The Civil Revision Petition has been filed seeking to set aside the impugned fair and decreetal order of the learned Subordinate Judge, passed in I.A.No.1 of 2022 in O.S.No.87 of 2017 dated 05.06.2024.



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2. Pending Civil Revision Petition, the parties have entered into a compromise, pursuant to which the respondent has agreed to receive Rs.5,75,000/- towards full and final settlement in satisfaction of the decree in O.S.No.87 of 2017 and all claims in E.P.No.09 of 2019, on the file of the Subordinate Court, Poonamallee. The parties have also filed a Joint Memorandum of Compromise before this Court.

3. The terms of Joint Memorandum of Compromise dated 11.03.2025 reads as below:

“(1) The petitioners have filed the above mentioned Civil Revision Petition against the order in I.A.No.1 of 2022 in O.S.No.87 of 2017 on the file of Subordina Judge, Poonamallee, seeking for an order to set aside the impugned order dated 05.06.2024 of learned Subordinate Judge passed in I.A.No.1 of 2022 in O.S.No.87 of 2017.

2) The O.S.No.87 of 2017 was ordered on 11.04.2018, wherein the learned Judge has set the petitioner's ex parte and passed an order directing the petitioner to pay a sum of Rs. 3,71,861/- to the respondent with interest at 18% per annum on Rs.2,41,703/- along with future interest at 12% per annum till the date of realisation. The respondent had



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filed E.P.No.09 of 2019 against the petitioners for payment of the dues.

(3) Subsequently, the petitioners have filed I.A.No1 of 2022 in O.S.No.87 of 2017 on the file of the Subordinate Judge, Poonamallee to set the side the Ex-parte order dated 11.04.2018 and to consider their written statements by condoning the delay. However, the learned Judge had dismissed the I.A.No.1 of 22 and dismissed the same.

(4) Therefore the petitioners have filed the present CRP for setting aside the impugned order in I.A.No.1 of 2022 along with C.M.P.No.17411 of 2024 C.R.P.No.3260 of 2023 seeking an interim order to stay all further proceedings in E.P.No.09 of 2019 in O.S.No.87 of 2017 pending on the file of the Subordinate Judge, Poonamallee till the disposal of the above mentioned CRP.

(5) The Honorable High Court was pleased to order by its order dated 12.08.2024, the interim stay of the E.P.No.09 of 2019 on payment of Rs.2,00,000/- to the credit of E.P.No.09 of 2019 and the petitioners had made the payment of Rs.2,00,000/- on 27.08.2024 vide E challan No.20240827016113 through Indian Bank V collect which the respondent herein may withdraw and the petitioners have no objection to the same.

(6) The petitioners have agreed to settle the matter amicably and have agreed to pay a further sum of Rs.3,75,000/- as full and final settlement towards the



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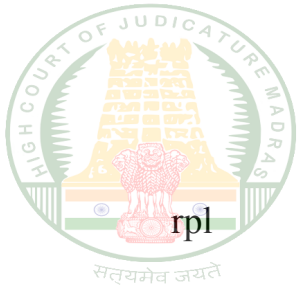


amount due and outstanding under the O.S.No.87 of 2017 and the same was agreed upon by the respondent.

(7)Based on the agreement between the petitioners and the respondent, the petitioners have made a payment of Rs.3,75,000/- by way of DD drawn on Indian Bank, Porur branch barring No. 65809 dated 06.03.2025 in favour of Mrs.Uma Karthikeyan with a sum of Rs.2,00,000/- already deposited to the credit of E.P.No.09 of 2019, totaling a sum of Rs.5,75000/- towards full and final settlement and satisfaction of the degree in O.S.No.87 of 2017 and all claims in E.P.No.09 of 2019 to the respondent the receipt of which is acknowledged by the respondent. There are no dues outstanding and payable to the respondent.

(8) The respondent undertake to withdraw the E.P.No.09 of 2019, on receipt of the balance sum of Rs.2,00,000/-."

4. In view of the compromise entered into between the parties, this Civil Revision Petition is disposed of. Consequently, the connected Civil Miscellaneous Petition is closed. The execution proceedings are hereby terminated. The respondent is permitted to withdraw the amount of Rs.2,00,000/- deposited to the credit of the E.P.No.09 of 2019, before the Subordinate Court, Poonamallee.



11.03.2025

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To

The Subordinate Judge, Poonamallee



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A.D.JAGADISH CHANDIRA, J.

rpl

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