

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.03.2015

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THE HONOURABLE MRS. JUSTICE S.VIMALA

C.S.No.159 of 2009

1. S.Senthil Kumar
2. P.Chitravel
3. K.Subash

... Plaintiffs

Vs.

1. Mrs. Alli
2. P.Sidharthan
3. P.Sivaramalingam
4. D.Govindarajan
5. S.Nagarajan
6. Mrs.Dharumambal
7. Mrs.Mangalam
8. U.Kishore Kumar
9. Mrs.D.Santhi
10. Syed Abudahir

.. Defendants

PRAYER: Plaint filed under Order III Rule 1 of O.S.Rules read with Order 7 Rule 1 of C.P.C. and Section 22 of Specific Relief Act, praying for (i) direction to the defendants to execute the sale deed and cause the registration of sale deed for the property mentioned in the schedule, in accordance with the sale agreement dated 16.01.2006 by receiving the balance of sale consideration of Rs.2,24,39,300/-; (b) In the event of default by the defendants in complying with the orders of this Court as prayed above, appoint an Officer of this Court to receive the balance of

sale consideration after paying the stamp duty, registration charges for execution and cause registration of the sale deed for the schedule mentioned property; and (c) direction to the defendants to pay the costs of this suit.

For Plaintiffs : Mr.K.Gunasekaran

For D1, D4, D6, D8 & D10 : Mr.D.Jeyaprakasam

For D5 : Mr.M.Kumar

JUDGMENT

The learned counsel appearing for the plaintiffs submits that the matter is settled out of Court, hence, the suit may be dismissed as settled out of Court. He has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the plaintiffs, this Civil Suit is dismissed as settled out of Court. Half Court Fee is ordered to be refunded.

05.03.2015

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S.VIMALA, J.

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This matter has been listed today, under the caption "For Being Mentioned" at the instance of the learned counsel for the plaintiffs.

2. Today, a Memo has been filed by the Plaintiffs stating that Court fee may be ordered to be refunded in the name of the third Plaintiff.

3. Inasmuch as all the three Plaintiffs are represented by one and the same counsel, the relief sought in the Memo can be considered.

4. Therefore, in paragraph 2 of the said Judgment the sentence "Half Court fee is ordered to be refunded" shall be replaced with the sentence "Half of the Court fee is ordered to be refunded in the name of the third Plaintiff" (As per the memo filed). It is made clear that, excepting the said correction, the earlier judgment dated 05.03.2015 shall remain unaltered.

31.03.2015

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