

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

C.S.No.431 of 2014
and
O.A.No.561 of 2014
and
A.No.5774 of 2014

K.V.Pandurangan

... Plaintiff

Vs

1.R.Rukmani (deceased)
2.D.R.Muralidharan
(D2 was brought on record as legal representative
of the deceased first defendant as per the order
dated 27.10.2014 in A.No.6559 of 2014)

... Defendants

Plaint filed under Order IV Rule 1 of O.S. Rules r/w Order VII

Rule 1 C.P.C.

For Plaintiff : Mr.B.S.Jhothiraman

For Defendants : Mr.K.N.Pandian

JUDGMENT

The plaintiff has filed the suit, for the following reliefs:

(a) ordering specific performance of the receipt-cum-agreement dated 09.11.2013 and directing the defendants to execute and register a sale deed in favour of the plaintiff with respect to the suit property viz., Flat -S-1 (Western Side) on second floor of Plot No.1316, 13th Main Road, Annanagar West, Chennai -40 with built up area of 1512 sq.ft. with proportionate share of common area with two covered car park together with 885 sq.ft. undivided share land out of 5000 sq.ft in Survey No.141-part and 153-part, TS No.91, Block No.37 of Villivakkam village more fully described in the Schedule 'B' and 'C' hereunder after receiving the balance sale consideration of Rs.1,62,00,000/- (Rupees One Crore Sixty Two Lakhs only) within a period specified by this Court and in the event of failure to do so, the plaintiff prays that this Hon'ble Court may be pleased to execute and register the sale deed in favour of the plaintiff on behalf of the defendants;

Alternatively

(i)directing the defendants to pay a sum of Rs.20,94,117/- along with subsequent interest on Rs.18,48,000/- at 24% per annum from the date of the plaint till the date of realization;

(ii)granting a charge decree over the property more fully described in Schedule 'B' and 'C' hereunder for the amount of Rs.20,94,117/- due

from the defendants along with subsequent interest on Rs.18,48,000/- at 24% per annum from the date of the plaint till the date of realization;

(b)restraining the defendants, their men, agents, from in any way alienating or encumbering the property described in Schedule 'B' and 'C' hereunder in favour of any third parties or financial institutions by means of permanent injunction; and

(c)to pay costs of the suit.

2.Both the learned counsel submits that the matter has been settled between the parties before the Tamil Nadu Mediation and Conciliation Centre and a Mediation report dated 30.06.2016 has also been submitted to this Court. Pursuant to the same, learned counsel for the plaintiff seeks permission of this Court to withdraw the suit and made an endorsement to that effect in the plaint. Learned counsel also prays that the court fee may be directed to be refunded to the plaintiff.

3.This Court perused the Mediation report dated 30.06.2016 sent by the Tamil Nadu Mediation and Conciliation Centre, wherein, it has been stated as follows:

"Both sides, out of their own volition and without any pressure or coercion from any side, have agreed as follows:

The matter has been compromised before Mediation Centre. Accordingly, the second defendant (since first defendant died) has paid a sum of Rs.21,00,000/- (Rupees Twenty One Lakhs Only) by D.D.No.210766 dated 27.06.2016 on Indian Overseas Bank, Anna Nagar Branch, Chennai, towards full and final settlement of the suit claim.

No counter claim against each other in respect of the suit property.

The plaintiff agrees to withdraw the suit and the defendant has no objection for return of court fee to the plaintiff."

4.Considering the submissions made by the learned counsel for the plaintiff and taking note of the Mediation Report as stated above, the suit is dismissed as withdrawn. Registry is directed to refund the court fee to the plaintiff. No costs. Consequently, connected applications are closed.

05.07.2016

Index:Yes/No
rk

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

M.M.SUNDRESH, J.

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