

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

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

C.S.No.762 of 2011

and

A.Nos.4828, 4829, 4830 & 4831 of 2016

1. Santhosh Kumar Baid
2.Poornimaa Neethu
3.K.Balaji

... Plaintiffs

VS.

1.J.P.Sarathi Raam (deceased)
2.P.Yesodha Sarathi Raam
3.Madhumathy Ramesh
4.P.S.Raju
5.Anuradha Sridharbabu
6.Sangeetha

...Defendants

PRAYER: Civil Suit has been filed under Order VII Rule 1 of CPC r/w Order IV Rule 1 of O.S.Rules praying to

a) direct the defendant to deliver and handover vacant possession of the suit property namely the non-residential basement property situated in A Block, at No.18, Gopalakrishna Road, T.Nagar, Chennai-17, having a built up area of 4350 sq.ft, together with the proportionate 1500 sq.ft., of undivided share in the land, to the first plaintiff,

b) directing the defendant to pay the sum of Rs.8,75,000/- to the first plaintiff, being the damages for use and occupation for the period from April, 2011 till August 2011 at the rate of

Rs.1,75,000/- p.m., and also the future damages for use and occupation at the same rate of Rs.1,75,000/- per month till the date of vacating and handing over vacant possession,

c) for a mandatory injunction directing the defendant to handover the original sale deed dated 05.05.2005 (Document No.1151 of 2005) original construction agreement dated 05.05.2005 executed by M.A.Narasimha Patrudu and 4 others, and Xerox copies of the parent documents including patta in respect of the suit property, to the first plaintiff and

d) for cost of the suit including advocate fee.

For Plaintiffs : Mr.K.P.Ashok

For Defendants 2 to 5 : Mr.G.Janakiraman

For Defendant No.6 : Mr.G.Ethirajulu

ORDER

By consent of both the learned counsel appearing on either side, the Civil Suit itself is taken up for final disposal.

2. The suit has been filed for the following reliefs:

a) direct the defendant to deliver and handover vacant possession of the suit property namely the non-residential basement property situated in A Block, at No.18, Gopalakrishna Road, T.Nagar, Chennai-17, having a built up area of 4350 sq.ft, together with the

proportionate 1500 sq.ft., of undivided share in the land, to the first plaintiff,

b) directing the defendant to pay the sum of Rs.8,75,000/- to the first plaintiff, being the damages for use and occupation for the period from April, 2011 till August 2011 at the rate of Rs.1,75,000/- p.m., and also the future damages for use and occupation at the same rate of Rs.1,75,000/- per month till the date of vacating and handing over vacant possession,

c) for a mandatory injunction directing the defendant to handover the original sale deed dated 05.05.2005 (Document No.1151 of 2005) original construction agreement dated 05.05.2005 executed by M.A.Narasimha Patrudu and 4 others, and Xerox copies of the parent documents including patta in respect of the suit property, to the first plaintiff and

d) for cost of the suit including advocate fee.

3. Today when the matter is taken up for hearing, both the learned counsel appearing for the parties, in pursuant to the memo of compromise duly signed by the parties and adopted by them submitted that the suit may be dismissed in view of the said memo. The presence of the parties viz., the first plaintiff and defendants 3 to 5 are also recorded. The presence of the sixth defendant, who was

present in the morning, has also agreed to the aforesaid memo of compromise, and the same is also recorded.

4. The learned counsel appearing for the plaintiffs has given a demand draft for Rs.35,00,000/-(Rupees Thirty Five Lakhs only) numbering five in total in the presence of the Court to the learned counsel appearing for defendants 2 to 5. Similarly, the learned counsel appearing for defendants 2 to 5 handed over the keys and the original documents in favour of the learned counsel for the plaintiffs. Accordingly, the same is also recorded in the applications filed in A.Nos.4828, 4829, 4830 & 4831 of 2016. The learned counsel appearing for the plaintiffs has got no objection and accordingly, they are allowed.

5. Considering the above submissions and recording the memo of compromise entered into between the parties and endorsement made by the learned counsel for the plaintiffs, the suit stands dismissed as settled.

The Registry is directed to return 50% of the Court fee to the learned counsel for the plaintiffs.

21.09.2016

gv

M.M.SUNDRESH,J
gv

**C.S.No.762 of 2011
and
A.Nos.4828, 4829, 4830 & 4831 of 2016**

21.09.2016