

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.08.2016

Coram:

The Hon'ble Mr.Justice **M.M. SUNDRESH**

C.S.No.380 of 2016 and A.No.3195 of 2016
and
A.No.3690 of 2016

Dr.Mohammed Kareem Basha ... Plaintiff

Vs.

Mr.A.Zarafullah ... Defendant

The suit has been filed under Order VII Rule 1 of Code of Civil Procedure and Order IV Rule 1 of Original Side Rules of the High Court of Judicature at Madras, for a judgment and decree:

(a) for recovery of possession of the car bearing registration No.TN 01 AK 8613 from the custody of the defendant to the plaintiff or in the alternative, directing the defendant to permit the plaintiff to remove his car bearing number TN 01 AK 8613 from the premises bearing door No.1, Nageshwara Road, Nungambakkam, Chennai-34.

(b) for a direction to the defendant to pay to the plaintiff compensation of Rs.20,50,000/- (Rupees Twenty Lakhs Fifty Thousand only)

(c) cost of the Suit and:

(d) grant such other relief as this Court may be pleased to pass.

For Plaintiff : Mr.A.Sirajudeen Senior Counsel
For Mr.R.Rajamani

For Defendants: Mr.S.T.Raja
For M/s.Om Sai Ram

JUDGMENT

The Suit has been laid for the following reliefs:-

(a) for recovery of possession of the car bearing registration No.TN 01 AK 8613 from the custody of the defendant to the plaintiff or in the alternative, directing the defendant to permit the plaintiff to remove his car bearing number TN 01 AK 8613 from the premises bearing door No.1, Nageshwara Road, Nungambakkam, Chennai-34.

(b) Directing the defendant to pay to the plaintiff compensation of Rs.20,50,000/- (Rupees Twenty Lakhs Fifty Thousand only)

(c) cost of the Suit and:

(d) grant such other relief as this Court may be pleased to pass.

2. When the matter is taken up for hearing today, it is agreed between the parties that:-

(i) the vehicle owned by the plaintiff bearing

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Registration No.TN 01 AK 8613 will be handed over by the

defendant, by permitting the plaintiff to come to the place of the defendant and take the same.

(ii) It is also agreed that the plaintiff shall not alienate or encumber the vehicle, till the disposal of the Arbitration Proceedings.

(iii) It is also agreed further that all the other issues will be decided by the learned Arbitrator.

(iv) By consent, The Hon'ble Mr. Justice R.S. RAMANATHAN (retired), residing in Parijatham, Old No.4B2, New No.15, Rajagopalan Street, Valmееghi Nagar, Tiruvanmiyur, Chennai-41, is appointed as learned Arbitrator to resolve the dispute between the parties including claim for compensation sought in the Suit. The learned Arbitrator is at liberty to fix the remuneration and other incidental expenses, which shall be borne by the parties equally.

3. The Civil Suit is decreed in the above terms. No costs. Consequently, connected Applications are closed.

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16.08.2016

//Certified to be a true copy//

Dated this the day of 2016.

R.s/14.12.2016

COURT OFFICER

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of the Order/Judgment Decree in this format.