

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

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

C.S.No.754 of 2013

and

O.A.No.876 of 2013 and A. Nos.25 and 26 of 2014

Pankaj Kumar & Co.,
rep. by its Partner Atul Kumar Premji

... Plaintiff

Vs

1.C.L.Mahadevan

2.Manish Bhagwan Das Shah

... Defendants

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

For Plaintiff : Mr.P.Solomon Francis

For Defendants : Mr.Parthasarathy

JUDGMENT

The suit has been filed for permanent injunction restraining
the defendants, their men, agents or anybody acting under them from

evicting the plaintiff other than under due process of law from the suit schedule property.

2. When the matter is taken up for hearing, a memorandum of compromise has been filed duly signed by the parties and attested by their counsel. The parties are also present before the Court.

3. Learned counsel for the plaintiff as well as the defendants submits that the suit may be decreed in terms of the memorandum of compromise dated 18.07.2016. The terms and conditions of the said memorandum of compromise read as under:

"1. The plaintiff herein has handed over possession of the property to an extent of about 1000 sq.ft. in the ground floor of the building situated at Door No.22, Audiappa Naicken Street, Chennai - 79, to the 2nd defendant herein today.

2. It is mutually agreed that time is granted till 18.07.2016 to the plaintiff for shifting the goods and handing over the premises.

3. The 2nd defendant agrees to pay a sum of

Rs.5,00,000/- (five lakhs only) to the plaintiff and the same is agreed upon mutually.

4.The plaintiff agrees to withdraw RCOP 2386/13 filed by them pending before the X Small Cause Court, Chennai.

5.The defendants agree to withdraw RCOP Nos.1067/15 and 2452/13 filed by them pending before the XIV Small Cause Court, Chennai.

6.It is mutually agreed that the 2nd defendant is entitled to withdraw the rent deposited by the plaintiffs before the X Small Cause Court, Chennai and the plaintiff will cooperate in doing so. The plaintiffs have agreed to execute all necessary documents in favour of the defendants with relation to their 2/3rd rights in S.No.305/1.

7.It is mutually agreed that the plaintiff or their legal heirs or men or agents henceforth shall not claim any right over the suit property.

8.The parties to this memorandum of compromise hereby agree to execute all necessary documents if required under any circumstance."

4.Accordingly, the suit stands decreed in terms of the

memorandum of compromise and the memorandum of compromise shall form part of the decree. The plaintiff is entitled to refund of half of the court fee. No costs. Consequently, connected applications are closed.

18.07.2016

Index:Yes/No
Internet:Yes/No
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To

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

M.M.SUNDRESH,J

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