

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

C.R.P.(NPD).Nos.2089, 2091 & 4593 of 2015 & 2498 of 2016

C.R.P.(NPD).No.2089 of 2015

1.Mrs.T.M.J.Khadijath Nooriya
2.M.Anwar Hussain
3.M.Aishath Munawara
4.M.Aishath Najiya
5.Mrs.M.Aishath Razeena
6.M.Authad
7.Mrs.M.Aishath Lubaina

... Petitioners

Vs.

D.Giridharan

... Respondent

PRAYER in C.R.P.(NPD).No.2089 of 2015: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control Act), to set aside the Common Judgment passed by the Learned VII Judge of the Court of Small Causes, Chennai in R.C.A.No.638 of 2013 and R.C.A.No.14 of 2014 and the decree in R.C.A.No.14 of 2014 dated 17.11.2014 partly allowing R.C.A.No.14 of 2014 and modifying the Order and Decree passed by the learned XVI Judge of the Court of Small Causes, Chennai in R.C.O.P.No.2544 of 1996 dated 28.03.2011 and fixing the fair rent at R.90,480/-.

For Petitioners : Mr.M.Durairaj

For Respondent : Mr.Ashok Menon

C.R.P.(NPD).No.2091 of 2015

1.Mrs.T.M.J.Khadijath Nooriya
 2.M.Anwar Hussain
 3.M.Aishath Munawara
 4.M.Aishath Najiya
 5.Mrs.M.Aishath Razeena
 6.M.Authad
 7.Mrs.M.Aishath Lubaina

... Petitioners

Vs.

D.Giridharan

... Respondent

PRAYER in C.R.P.(NPD).No.2091 of 2015: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control Act), to set aside the Common Judgment passed by the Learned VII Judge of the Court of Small Causes, Chennai in R.C.A.No.638 of 2013 and R.C.A.No.14 of 2014 and the decree in R.C.A.No.638 of 2013 dated 17.11.2014 dismissing R.C.A.No.638 of 2013 and modifying the Order and Decree passed by the learned XVI Judge of the Court of Small Causes, Chennai in R.C.O.P.No.2544 of 1996 dated 28.03.2011 and fixing the fair rent at Rs.90,480/-.

For Petitioners

: Mr.M.Durairaj

For Respondent

: Mr.Ashok Menon

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C.R.P.(NPD).No.4593 of 2015

1.Mrs.T.M.J.Khadijath Nooriya
 2.M.Anwar Hussain
 3.M.Aishath Munawara
 4.M.Aishath Najiya
 5.Mrs.M.Aishath Razeena
 6.M.Authad
 7.Mrs.M.Aishath Lubaina

... Petitioners

Vs.

D.Giridharan

... Respondent

PRAYER in C.R.P.(NPD).No.4593 of 2015: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control Act), to set aside the fair Order and Decreetal Order in M.P.No.221 of 2015 in R.C.A.No.450 of 2014 dated 02.09.2015 passed by the learned Judge, VIII Court of the Small Causes, Chennai.

For Petitioners : Mr.M.Durairaj
 For Respondent : Mr.Ashok Menon

C.R.P.(NPD).No.2489 of 2016

D.Giridharan

... Petitioner

Vs.

K.T.M.S.Mahmood (Deceased)
 1.Mrs.T.M.J.Khadijath Nooriya
 2.M.Anwar Hussain
 3.M.Aishath Munawara
 4.M.Aishath Najiya
 5.Mrs.M.Aishath Razeena
 6.M.Authad
 7.Mrs.M.Aishath Lubaina

... Respondents

PRAYER in C.R.P.(NPD).No.2498 of 2016: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control Act), to set aside the Judgment and Decree passed by the Learned VII Judge of the Court of Small Causes, Chennai (Rent Controller Appellate Authority) in R.C.A.No.14 of 2014 dated 17.11.2014 partly modifying the judgment and decree passed by the learned XVI Judge, Court of Small Causes, Chennai (Rent Controller) in R.C.O.P.No.2544 of 1996 dated 28.03.2011.

For Petitioner : Mr.Ashok Menon

For Respondents : Mr.M.Durairaj

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COMMON ORDER

The matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for negotiation.

2.Accordingly, the parties had appeared before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. After mediation, they had resolved their disputes amicably, as per the terms contained in the Mediation Agreement dated 22.06.2017 and the same is produced before this Court. The contents of the Mediation Agreement reads as under:-

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

1.The Tenant (Mr.Giridharan - Petitioner in C.R.P.No.2498 of 2016) vacate and handover the keys of the schedule mentioned property and the Landlords (T.M.J.Khadijath Nooriya & others -

Respondents in C.R.P.No.2498 of 2016) agrees to accept the same.

2.The Landlords shall pay a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) to the Tenant on or before 31.08.2017 by way of pay order/demand draft, towards compensation and the tenant accepts the same as full quit.

3.The Landlords give up all claims of rental arrears and the amounts already paid by the tenant is accepted as full quit towards all rental arrears till date of handing over the key.

4.The Tenant shall vacate from the petition premises on or before 31.08.2017, subject to a minimum period of 30 days from the date, and the Landlord shall pay the above mentioned compensation amount and the tenant shall handover keys and vacant possession of the schedule mentioned property, simultaneously.

5.The parties shall withdraw all the connected cases filed by them before the High Court and Subordinate Courts.

6.That there will be no further mutual claims of any nature whatsoever between the parties.”

3.Heard all the parties.

4.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw the above said Civil Revision Petitions and he has also filed a joint memo dated 03.08.2017, which reads as under:

“It is submitted that the pursuant to the agreement dated

22.06.2017 entered into in the Mediation in the Tamil Nadu Mediation and Conciliation Centre between the Petitioners in CRP.Nos.2089 of 2015, 2091 of 2015 and 4593 of 2016 who are Respondents in C.R.P.No.2498 of 2016 and the Petitioner in C.R.P.No.2498 of 2016 who is Respondent in C.R.Ps.2089 of 2015, 2091 of 2015 and 4593 of 2015 paid Rs.40,00,000/- (Rupees Forty Lakhs only) by way of Pay Order of Canara Bank No.069849 dated 24.07.2017 to the Respondent/Tenant and the Respondent/Tenant vacated the Petitioners premises in R.C.O.P.No.2544/1996, XVI Small Causes Court, Chennai and delivered the vacant possession of the petitioners premises today. Hence the petitioners in CRPs.2089/2015, 2091/2015, 4593/2015 may be permitted to withdraw the said C.R.Ps. and Petitioner in C.R.P.2498/2016 may be permitted to withdraw the said CRP.”

5.Recording the submissions made by the learned counsel for the petitioners and also the Joint memo filed on behalf of the petitioners, the Civil Revision Petitions are permitted to be withdrawn as per Mediation settlement. No costs.

सत्यमेव जयते

03.08.2017

Speaking order/Non-speaking order
Index: Yes/No
Internet: Yes/No
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To

1.The VII Judge,
Court of Small Causes,
Chennai.

2.The VIII Judge,
Court of Small Causes,
Chennai.

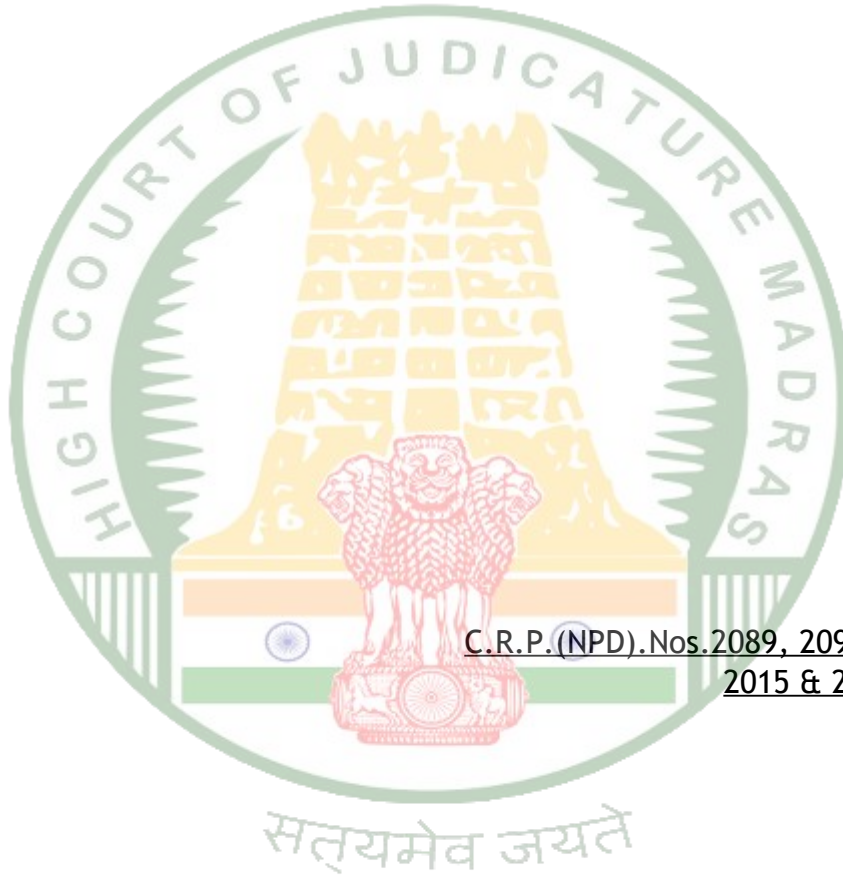
3.The XVI Judge,
Court of Small Causes,
Chennai.



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M.GOVINDARAJ, J.

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2015 & 2498 of 2016

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03.08.2017