

A.No.2500 of 2017
in C.S.No.472 of 2015

V.PARTHIBAN,J.

This is an application filed by the defendant seeking permission to vacate the schedule B mentioned building within a period of one year from 16.4.2017.

2. The facts necessitating the filing of the present application are stated hereunder:

(i) The suit was laid for partition between the plaintiff and the defendant in respect of the property bearing Old Door No.190, New Door No.396, Avvai Shanmugam Road, Gopalapuram, Chennai-600 086.

(ii) During pendency of the suit, a compromise was arrived at between the plaintiff and the defendant and the same was filed before this Court on 15.4.2016. Recording the compromise, the suit was decreed and as per one of the conditions of the compromise, the parties have to vacate the property on 16.4.2017.

(iii) The learned counsel for the plaintiffs would submit that as per the memo of compromise, the plaintiffs had vacated the building. However, the defendant did not vacate the building and has come up with the present application, seeking extension of time for vacating the building. According to the applicant/defendant, he wants one more year from 2017 to vacate the premises.

3. The reasons set forth in the affidavit are hardly convincing and the time for vacating the premises is also too long to be considered by this Court in the circumstances of the case.

4. When the matter was called, there was no representation on behalf of the applicant/defendant. In any event, considering the facts as set out in the affidavit and the submissions made by the learned counsel for the respondents/plaintiffs, this Court does not find any merit for ordering this application. The application is therefore dismissed.

14.06.2017

msk

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