

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2017

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.233 of 2011

Mr.B.Kishin Chand

.. Plaintiff

Versus

Dr.K.N.Gunalan,Ph.D.,P.E.,

.. Defendant

The plaint is filed and numbered as Civil Suit under order IV Rule 1 of Original Side Rules r/w Section 26 and Order VII Rule 1 of Civil Procedure Code, praying for a judgment and decree:

a)directing the defendant to execute the sale Deed conveying the suit property detailed in the Schedule hereunder as per the suit Sale Agreement on taking the balance of Sale consideration within the time as specified by the Hon'ble Court and to put the Plaintiff in such possession of the property as the property conveyed is capable of,

b)alternatively, if and for any reason the Hon'ble Court is pleased to hold that the Specific Performance of the Agreement would not be granted to direct the Defendant to return an amount of Rs.25,14,334.00p (Rupees Twenty five lakhs fourteen thousand and three hundred thirty four only) (apart from the advance of Rs.2,00,000/-), with subsequent interest at 18% p.a. As may be

determined by the Hon'ble Court.

For Plaintiff : Mr.R.Swaminathan

For Defendant : No Appearance

JUDGMENT

Today, when the matter is taken up for hearing, the learned counsel for the plaintiff has submitted that the matter has already been settled out of Court. A memo to that effect has also been filed. In view of the settlement arrived between the parties, the suit is dismissed as settled out of Court. The memo filed shall form part of the decree.

2. The learned counsel for the plaintiff has relied on a judgment in the case of Venkatachalam and others vs. Sengoda Gounder and others, reported in 2014 (6) CTC 216, and seeks for refund of the entire Court fee paid on the plaint. Accordingly, the entire court fee is directed to be refunded to the plaintiff.

10.01.2017

KP

Index: Yes/No
Internet:Yes/No

N.Sathish Kumar, J.,

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