

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CIVIL SUIT No.662 of 2014

Application No.348 of 2017

1.A.Sait Mohamed

2.K.Umar Khan

... Plaintiffs

Vs

1. T.V.Jayakumar

2. J.Karthikeayn

... Defendants

Prayer: Suit filed under Order VII, Rule 1 of the code of Civil Procedure read with Order IV Rule I of the Original Side Rules to pass judgment and decree for refund of Rs.52,71,000/- to the plaintiffs by the defendants herein along with interest at the rate of 18% p.a. from the date of plaint till the date of actual payment and to pay the costs.

For Plaintiff : M/s.A.L.Gandhimathi

For Defendants : Mr.R.Lakshmi Narayanan

JUDGMENT

Though the application is listed for disposal, in view of the Memo of Compromise filed by the parties along with Mediation report, the suit itself is taken up for disposal.

2. When the matter is taken up for hearing, the learned counsel appearing for the plaintiffs as well as the learned counsel for the defendants submitted that the dispute between the parties, has been amicably settled before the Tamil Nadu Mediation and Conciliation Centre on 08.3.2016 in terms of the Memo of Compromise dated 17.02.2017. The said Memo of Compromise is signed by the plaintiff as well as the defendants and their respective counsels.

3. The terms of Memo of Compromise is extracted hereunder:

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1. The plaintiffs hereby agree to receive the sum of Rs.44,00,000/- (Rupees Forty Four Lakhs only) from the defendants and the defendants do agree to provide

the said sum by way of Demand Drafts drawn on City Union Bank dated 03.02.2017 to the sixteen persons, and the quantum of money to be paid to each of the sixteen persons identified the plaintiffs as mentioned in the Annexure.

2.The plaintiffs do hereby agree that on receipt of the said sum of Rs.44,00,000/- (Rupees Forty Four Lakhs only) they will withdraw the suit in C.S.No.662 of 2014. Plaintiffs further agree that the sum of Rs.44,00,000/- (Rupees Forty Four Lakhs only) is received in full and final settlement of the plaintiffs' claim against the defendant in C.S.No.662 of 2014.

3.The plaintiffs do declare that the Agreement of Sale entered into with the defendants dated 2nd April 2013 for the sale of the suit

property referred to in C.S.No.662 of 2014 becomes infructuous and expired. In confirmation of the same, plaintiffs have endorsed in the Deed of agreement of sale dated 2.4.2013 confirming the receipt of the above, as well as lapse of this agreement.

4.The plaintiffs and the defendants do jointly agree that there shall not be any further demand, whatsoever, in respect of the suit property by the plaintiffs and no further payment would be demanded by the plaintiffs against the defendants. Since on receiving the aforesaid amount of Rs.44,00,000/- (Rupees Forty Four Lakhs only) as specifically mentioned in the Annexure, the plaintiffs hereby abandon all the claims against the defendants.

5.The plaintiffs and the defendants do hereby agree that consequent on the receipt of the aforesaid sum of Rs.44,00,000/- (Rupees Forty Four Lakhs only) as per the Annexure, by the plaintiffs, the defendants are at liberty to sell the suit property to any third person. The parties further confirm that the plaintiffs have no further claim of any amount against the defendants and as aforesaid the defendants will be entitled to exercise all the right as owners of the suit property, New No.9 (Old No.5) Acharappan Lane, Kothavalchavadi, George Town, Chennai 600 001 including liberty to sell and effect any kind of transfer to any other party or parties".

4. The suit is disposed of in terms of the Memo of Compromise, dated 17.02.2017. The Mediation Report and the

Memo of Compromise are recorded and they shall form part of the decree. There shall be no order as to costs. Consequently, connected Application No.348 of 2015 is closed.

The Registry is directed to refund the Court fee as per the Rules.

sd/.M.K.K.S.J

14.03.2017

//Certified to be a true copy//

Dated this the day of 2017

R.s/22.03.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

सत्यमेव जयते

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