

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.787 of 2008

M.Jeyakumar

... Plaintiff

Versus

1.Raniammal

2.R.Dhanalakshmi

3.R.Manikandan

... Defendants

Plaint filed under Order VII Rule 1 of C.P.C r/w. Order IV Rule 1 of O.S. Rules praying to pass a judgment and decree in favour of the plaintiff:-

a) For specific performance of the Agreement dated 17.08.2005 by directing the Defendants 1 to 3 execute and register the Sale Deed in favour of the plaintiff as per the terms of the Development Agreement dated 17.08.2005 in respect of 1413 sq.ft out of the total extent of 8285 sq.ft together with 10 feet common passage mentioned in the schedule 'B' and to handover the vacant possession of the same, within a date to be fixed by this Hon'ble Court;

b) In the event of the failure of the defendants 1 to 3 execute and register the Sale Deed in terms of the decree passed by this Hon'ble Court, to appoint an Officer of this Hon'ble Court to execute and register the Sale Deed, conveying the property, which is more fully described in the plaint Schedule 'B', to and in favour of the plaintiff;

c) Directing the defendants 1 to 3 to repay Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) paid by the plaintiff for developing the property on joint venture basis as per the terms of the said Development Agreement dated 17.08.2005 together with interest thereon at the rate of 18% per annum from the date of this suit till the date of realization;

d) directing the defendants 1 to 3 pay a sum of Rs.5,00,000/- as damages to the plaintiff for non performance of the joint venture scheme as per the terms of the agreement dated 17.08.2005;

e) to pay the cost of the suit.

For Plaintiff	:	Mr.M.Abdul Razack
For Defendants	:	Mr.R.Mohan

J U D G M E N T

The suit is one filed by the plaintiff for specific performance of the Agreement dated 17.08.2005 by directing the Defendants 1 to 3 to execute and register the Sale Deed in favour of the plaintiff as per the terms of the Development Agreement dated 17.08.2005 in respect of 1413 sq.ft out of the total extent of 8285 sq.ft together with 10 feet common passage mentioned in the schedule 'B' and to handover the vacant possession of the

same, within a date to be fixed by this Hon'ble Court, in the event of the failure of the defendants 1 to 3 execute and register the Sale Deed in terms of the decree passed by this Hon'ble Court, to appoint an Officer of this Hon'ble Court to execute and register the Sale Deed, conveying the property, which is more fully described in the plaint Schedule 'B', to and in favour of the plaintiff, for directing the defendants 1 to 3 to repay Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousnad only) paid by the plaintiff for developing the property on joint venture basis as per the terms of the said Development Agreement dated 17.08.2005 together with interest thereon at the rate of 18% per annum from the date of this suit till the date of realization, for directing the defendants 1 to 3 pay a sum of Rs.5,00,000/- as damages to the plaintiff for non performance of the joint venture scheme as per the terms of the agreement dated 17.08.2005 and for costs.

2. The plaintiff is present in the Court. Mr.Abdul Razak, learned counsel for the plaintiff has circulated a letter seeking to withdraw the suit. He has also made an endorsement to that effect in the plaint.

3. Hence, the suit is dismissed as withdrawn, there will be no orders as to costs.

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List of the witnesses examined on the side of the plaintiff:

M.Jeyakumar - P.W.1

List of Exhibits marked on the side of the plaintiff:

Ex.P1 - Development Agreement dated 17.08.2005.

Ex.P2 - General Power of Attorney dated 17.08.2005.

Ex.P3 - General Power of Attorney dated 17.08.2005.

Ex.P4 - Receipt dated 17.08.2005.

Ex.P5 - Notice dated 09.08.2007.

Ex.P6 - Reply notice dated 14.09.2007.

List of the witnesses examined on the side of the defendants: Nil.

List of Exhibits marked on the side of the defendants: Nil.

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dsa

Index : Yes/ No

Internet : Yes/ No

Speaking Order/ Non-speaking Order

Note: Registry is directed to issue a copy of this order by **24.11.2017.**

R.SUBRAMANIAN, J.

dsa

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