

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.S.NO.37 OF 2013
AND TR. C.S.NO.187 OF 2014

C.S.NO.37 / 2013

P.Sateesh Kumar .. Plaintiff

Versus

Ashok Kumar Jain .. Defendant

PRAYER: Complaint filed under Order 4 Rule 1 of Original Side Rules read with Order VII Rule 1 of Civil Procedure Code praying for the following judgment and decree against the defendant:

(i) to declare the sale deed dated 05.01.2006, registered as document no.18 of 2006 at the office of the Sub Registrar, Adyar, as null and void and not binding on the plaintiff with regard to the suit schedule property;

(ii) to declare the plaintiff are the absolute owners of the suit schedule property having valid title and absolute enjoyment;

(iii) for permanent injunction restraining the defendant from alienating the scheduled property based on the alleged forced and illegal sale deed dated 05.01.2006 and thus encumber, or transfer or sale of the property described in the schedule hereunder or deal with the property in any manner;

(iv) to restrain the defendant or his men or persons claiming through him from in any interfering with the peaceful possession and enjoyment of the plaintiff in the suit schedule property;

(v) to direct the defendant to pay the costs of the suit.

For Plaintiff : Mr.Arvind Subramaniam
M/s.K.V.Subramaniam Associates

For Defendant : Mr.K.Bijai Sundar

TR.C.S.NO.187 / 2014

Ashok Kumar Jain .. Plaintiff

Versus

1.P.Satheesh Kumar
2.R.Purushothaman .. Defendants

PRAYER: Plaint filed under Order 4 Rule 1 of Original Side Rules read with Order VII Rule 1 of Civil Procedure Code praying for the following judgment and decree against the defendants:

(i) permanent injunction restraining the defendants, their men, agent(s) servants or any person(s) claiming through or under them from in any manner interfering with the peaceful possession and enjoyment of the suit property by the plaintiff;

(ii) cost of the suit.

For Plaintiff : Mr.K.Bijai Sundar

For Defendants : Mr.Arvind Subramaniam
M/s.K.V.Subramaniam Associates

COMMON JUDGMENT

Mr.Arvind Subramaniam, learned counsel appearing for the plaintiff in C.S.No.37/2013 submits that the parties have arrived at a settlement on

20.03.2018 before the Tamil Nadu Mediation and Conciliation Centre attached to this Court and also entered into an agreement. As per the mediation agreement, the plaintiff/Mr.P.Satheesh Kumar, has agreed to withdraw the suit in C.S.No.37 of 2013, as not pressed. He has also acknowledged the title and possession of the defendant/Mr.Ashok Kumar Jain. Simultaneously, the plaintiff in Tr.C.S.No.187/2014 / Mr.Ashok Kumar Jain has agreed to withdraw the suit in Tr.C.S.No.187/2014. The learned counsel has also made an endorsement to that effect in the Court bundles.

2. The mediation agreement dated 20.03.2018 is taken on file and shall form part of the record. Both the suits are disposed of in terms of the mediation agreement. The Registry is directed to refund full Court Fee, if it is admissible, as per law. No costs.

19.11.2018

TK/BKN

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M.GOVINDARAJ, J.

TK/BKN



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