

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.04.2018**

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.173 of 2017 &

O.A.Nos.238 & 239 of 2017

1. Mr.Dharmendra Kumar

2. Mrs.Madhubala

.. Plaintiffs

VS.

1. Mrs.Azra (Deceased)

2. Mrs.Rana Sheriff

3. Mrs.Husna Fazil Khan

[Defendants 2 & 3 are brought on record
as LR's of the deceased sole defendant as per
order dated 13.03.2018 in A.No.1839 of 2018]

.. Defendants

Civil Suit filed under Order IV Rule 1 of High Court O.S.
Rules 1956 read with Order VII Rule 1 of CPC.

For plaintiffs : Mr.K.V.Sundararajan

For Defendants : Mr.N.K.Vanan

J U D G M E N T

This suit has been filed for specific performance of the agreement dated 03.12.2016 by directing the defendant to execute and register Sale Deed in respect of Schedule 'B' mentioned property in favour of the plaintiffs by receiving the balance sale consideration of Rs.5,50,000/- and in case of default by the defendants, this Court may execute and register Sale Deed in respect of the Schedule 'B' property in favour of the plaintiffs or in the alternative direct the defendants to pay a sum of Rs.20,81,000/- with interest at 18% p.a. on Rs.20,00,000/- from the date of the plaint to the plaintiffs, for permanent injunction restraining the defendants and their men from anyway interfering with the first plaintiff's peaceful possession and enjoyment of the 'B' schedule property and for permanent injunction restraining the defendants and their men from in any way dealing with the suit schedule 'B' property either by sale,

mortgage, lease etc., or in any other manner and for cost.

2. The plaintiffs and the defendants 2 and 3 are present and filed memo of compromise. The parties also admitted before this Court that they have entered into a compromise and a decree may be passed in terms of the compromise.

3. In view of the compromise entered into between the parties and the suit itself has been filed for enforcing the contract executed by the first defendant, who is the mother of the defendants 2 and 3 and the parties are willing to execute the sale deed, suit is decreed in terms of the memo of compromise entered into between the parties and the memo of compromise shall form part of the decree. There shall be no order as to cost. Consequently, connected applications are closed.

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N.SATHISH KUMAR, J.

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