

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2018

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**C.S.No.361 of 2015A.Nos. 3136 and 3137 of 2015

P.T.Lee Chengalvaraya Naicker Trust,
Vepery, Chennai – 600 007,
Represented by its Secretary,
No.2-3, E.V.K.Sampath Salai,
Vepery, Chennai – 600 007.

...Plaintiff

Vs.

1. The Chief Internal Audit &
Chief Auditor of the Statutory Board, 7th Floor,
Vallal P.T.Lee Chengalvaraya Naicker Maaligai,
Multistoried Building, Old No.807, New No.132,
Anna Salai, Chennai – 600 002.

2. The Government of Tamil Nadu,
Rep. by its Secretary,
Finance (Local Fund) Department,
Fort St. George,
Secretariat, Chennai – 600 009.

...Defendants

Prayer:- Complaint filed under Order IV Rule 1 of Original Side Rules r/w Order VII, Rule 1 of Civil Procedure Code.

a. Directing the defendant to pay past damages for use and occupation at the rate of Rs.100/- per sq.ft. Aggregating to the sum of Rs.1,83,80,400/- for the period from 03.08.2010 to 02.11.2014 to the plaintiff for suit schedule property.

b. Directing the defendant to pay future damages at the rate of Rs.100/- per sq.ft. For use and occupation a sum of Rs.3,60,400/- per month from the date of complaint till the date of recovery of vacant possession.

c. Directing the defendant to pay a sum of Rs.8,37,212/- towards arrears of rent from 03.08.1998 to 02.08.2010 for suit schedule property and interest at the rate of Rs.24% per annum from the date of plaint to till the date of realization of the amount.

d. Directing the defendant to pay cost of the suit.

For Plaintiff : Mr.Pa.Kadirvel

For Defendants : Mr.Vineet Subramani
Special Govt. Pleader (CS)

JUDGMENT

Memo dated 22.12.2017, has been filed by the plaintiff which reads as follows:-

"The plaintiff has filed the above suit against the defendants for past damages, future damages and also arrears of rent for the suit schedule property. After the filing of suit, the defendants vacated the suit premises. The plaintiff and the defendants settled their issues amicably out of Court. The defendants agreed to pay the arrears of rent a sum of Rs.49,11,408/- and issued G.O.Ms.No.349 Finance (L.F) Department, dated 28.11.2017 with condition that the above payment could be made subject to withdrawal of the above suit. Hence, the plaintiff may be permitted to withdraw the above suit as the same is settled out of Court. Since the plaintiff Trust was a religious and Charitable Trust, the Court fee of Rs.2,06,356/- paid by the plaintiff may be refunded.

It is therefore, prayed that this Hon'ble Court may be pleased to permit the plaintiff to withdraw the above suit in O.S.No.361 of 2015 as the same is settled

out of Court and the Court fee of Rs.2,06,356/- paid by the plaintiff may be refunded and thus render justice."

2. The learned counsel for the plaintiff has also made the following endorsement in the plaint:-

"The plaintiff withdrawing the suit as settled out of Court"

3. Heard Mr.Vineet Subramani, learned Special Government Pleader (Civil Side).

4. In view of the memo and in view of the endorsement, the dispute between the parties is settled out of Court. Accordingly, the suit is dismissed as settled out of Court. The plaintiff is entitled to refund of entire Court fee in accordance with rules. Consequently, the connected applications are also closed. No costs.

31.01.2018

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

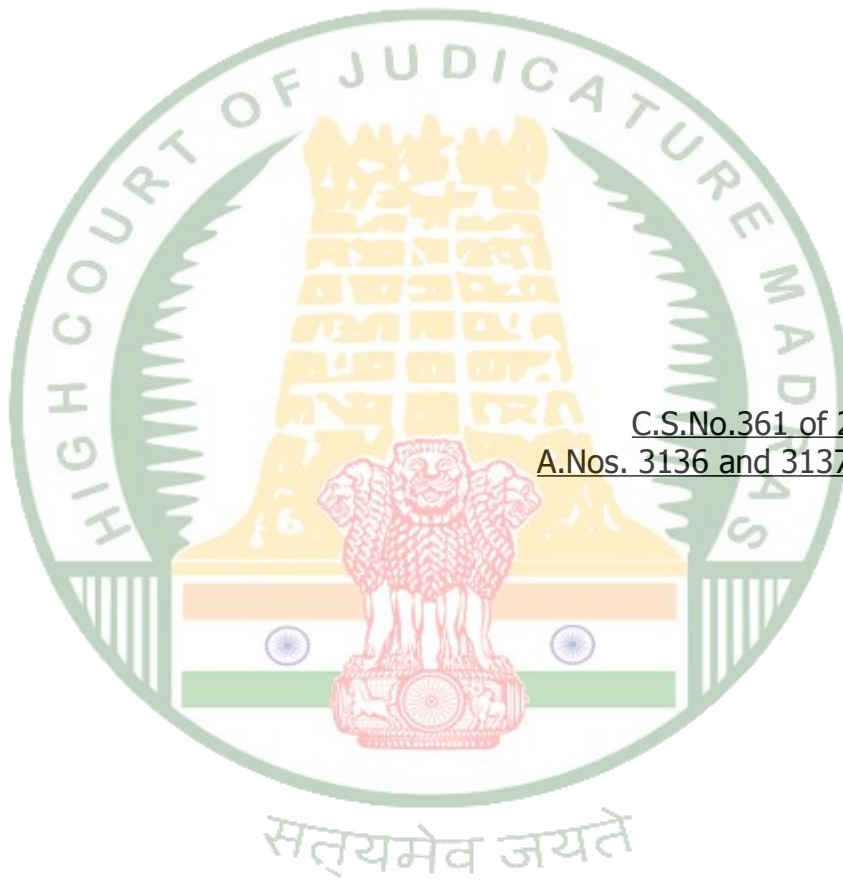
rts

To

The Sub Assistant Registrar
Original Side,
High Court of Madras.

C.V.KARTHIKEYAN. J,

rts



C.S.No.361 of 2015 and
A.Nos. 3136 and 3137 of 2015

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