

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.S. No. 478 of 2018
and
O.A. No. 671 of 2018

Mr. J. Mohan Prakash

... Plaintiff

Vs.

Mr. S. Mani

... Defendant

Prayer : Plaint filed under Order IV Rule 1 and 2 Madras High Court Original Side Rules, 1956, read with Order VII Rule 1 and 2 Civil Procedure Code, 1908 to pass a judgment and decree:-

(I-a) directing the Defendant to perform the agreement for sale dated 01.04.2017 and agreement for sale dated 24.11.2017 and to do all such acts, deeds and things as may be necessary to convey and assure the property more particularly set out in the schedule hereunder by a deed of conveyance, either in favour of the Plaintiff or his nominee or nominees by one or more sale deeds consequentially to vacate and hand over the vacant possession of the western portion of the suit schedule mentioned property, the cost of which shall be borne by the Plaintiff within a time fixed by this Court;

(I-b) upon failure of the Defendant to execute the same deed for the

suit schedule property this Court may be pleased to execute the sale deed for the suit schedule property in favour of the Plaintiff or his nominee or nominees; or

(I-c) In the alternative to direct the defendants to refund the advance sum of Rs.51,35,000/- together with a sum of Rs.10,00,000/- as compensation in all Rs.61,35,000/- with interest at 24% compoundable monthly, from the date of plaint till the date of actual realization and consequently declare that the Plaintiff is entitled for a charge on the suit schedule property for Rs.61,35,000/- with interest under Section 55 (6) and under Section 100 of the Transfer of Property Act, 1882;

(II) permanent injunction restraining the Defendants their men, agents, servants or any one authorized by them from in any way dealing or encumbering or alienating or changing the nature of the suit schedule property; and

(III) Costs of the suit.

For Plaintiff : Mr. V. Sundarraman

For Defendant : Mr. K. Shankar

JUDGMENT

Learned Counsel for the Plaintiff submits that the suit claim has been settled out of Court between the parties and he has also made an endorsement to that effect.

3. Recording the same, the suit is dismissed as settled out of Court. The Plaintiff

shall be entitled to a Certificate for the refund of eligible amount of court-fee in accordance with law. Consequently, the connected application is closed. No costs.

29.10.2018

vjt

Index : Yes/ No

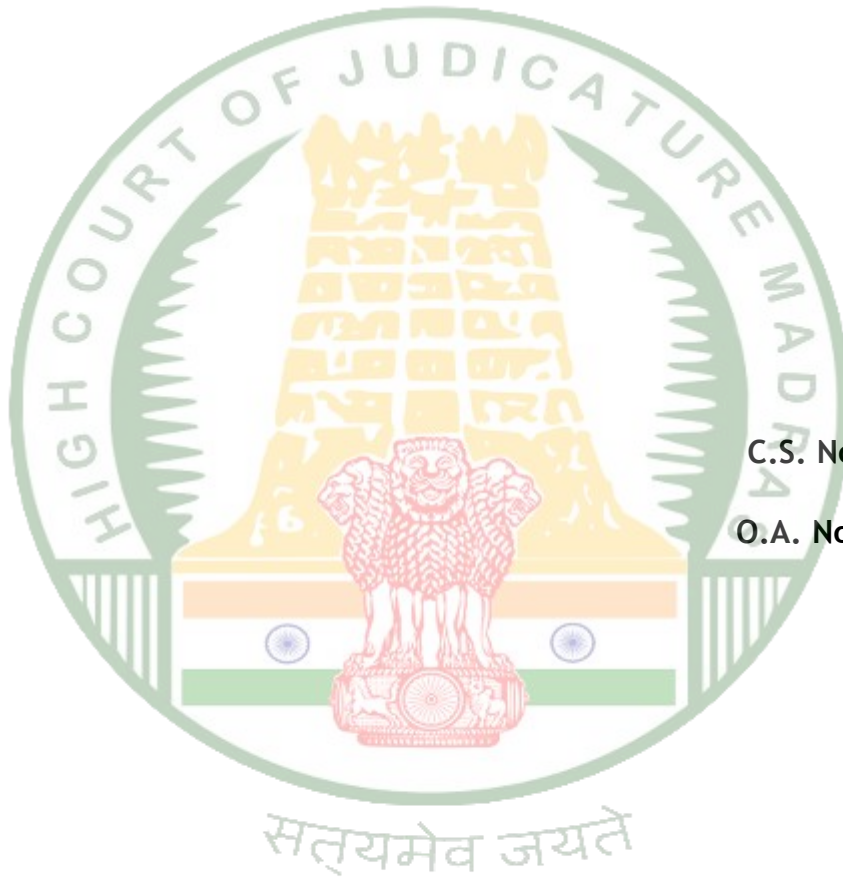
Speaking Order/ Non-speaking Order



WEB COPY

P.D. AUDIKESAVALU, J.

vjt



C.S. No. 478 of 2018
and
Q.A. No. 671 of 2018

WEB COPY

29.10.2018