

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.S.NO.604 of 2011

Vinodh Kumar Jain

...PLAINTIFF

Vs

1.R.Balasubramanian

2. Rajesh Kumar Chandan

...DEFENDANTS

PRAYER: Complaint filed under Order VII Rule 1 of C.P.C read with Order IV Rule 1 O.S.Rules praying for a judgment and decree against the defendants:

(a) For granting a decree for specific performance of an agreement dated 09.05.2011 to enforce the 1st defendant to execute a sale deed in favour of the plaintiff Mr.Vinod Kumar Jain, which is in tune with the agreement for sale entered into by the plaintiff with the second defendant dated 09.05.2011 which is consequent upon the registered Power deed executed by the defendant registered in document No.290 of 2011 at the S.R.O, Kodambakkam, Chennai dated 31.03.2011.

(b)Permanent injunction restraining the defendant from in any way alienating or encumbering the suit schedule property to any third party.

and c) to pay the costs of this suit to the plaintiffs.

For Plaintiff : Mr.Anand Venkatesh
For Defendant-1 : Set ex-parte
For Defendant-2 : Mr.Mahadev Vishwanth

ORDER

Heard the learned counsel appearing for the plaintiff and the learned counsel appearing for the defendants and perused the pleadings.

2. Though defendants 1 and 2 were served and represented through counsel, the first defendant has not filed the written statement so far. The learned counsel for the defendant submitted that he has not received any response from his client. Hence, the first defendant is set ex-parte.

3. The following issues are framed for trial and adjudication:-

(i) Whether the suit agreement dated 09.05.2011 is true and valid?

(ii) Whether the plaintiff is entitled for decree of specific performance based on the agreement ?

(iii) Whether the plaintiff was ready and willing to perform his part of the contract?

(iv) Whether the plaintiff is entitled for a decree of permanent injunction as prayed for?

(v) To what other reliefs, the plaintiff is entitled to?

4. Affidavit of documents and list of witnesses shall be filed within two weeks from today. Inspection of documents shall be done within a period of two weeks thereafter. The Registry is directed to post the case before the learned Additional Master-II for recording evidence on 01.12.2016. Proof affidavit of PW-1 by then. Both parties are directed to co-operate with the learned Additional Master-II for recording evidence and the learned Additional Master-II is directed to complete the process of recording evidence within a period of twelve weeks thereafter and list the case before this Court for arguments.

02.11.2016

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PUSHPA SATHYANARAYANA, J

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