

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

O.P.Nos.409 and 410 of 2018O.P.No.409 of 2018

M/s.Landmark Housing Projects
Chennai Private Limited,
Represented by its Managing Director
T.Udayakumar,
No.27, Saravana Street,
T.Nagar,
Chennai-600017.

...

Petitioner

VS.

1.Rajashekar

2.M.Kannan

...

Respondents

PRAYER: Petition filed under section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator on behalf of the respondents to settle the dispute between the petitioner and the respondents, in accordance with Clause 33 of the Builders Agreement dated 24.06.2017 in Doc. No.1000/2017 and to direct the respondents to pay the cost.

For Petitioner	:	Mr.A.Dev Narendran
For Respondents	:	Mr.J.Jeyan

O.P.No.:410 OF 2018

M/s.Landmark Housing Projects
 Chennai Private Limited,
 Represented by its Managing Director
 T.Udayakumar,
 No.27, Saravana Street,
 T.Nagar,
 Chennai-600017.

... Petitioner

Vs.

N.Srinivasan

... Respondent

PRAYER: Petition filed under section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator on behalf of the respondent to settle the dispute between the petitioner and the respondent, in accordance with Clause 33 of the Builders Agreement dated 24.06.2017 in Doc. No.874/2017 and to direct the respondent to pay the cost.

For Petitioner : Mr.A.Dev Narendran
 For Respondent : Mr.J.Jeyan

सत्यमेव जयते

COMMON ORDER

These petitions are filed by the petitioner seeking to appoint an Arbitrator on behalf of the respondent to settle the dispute between the petitioner and the respondent, in accordance with Clause 33 of the Builders Agreement dated 24.06.2017 in Doc. Nos. 1000 and 874/2017 respectively.

2. Today when the matter is called, both the parties appeared before this Court and filed a Joint Memo of Compromise dated 30.01.2019 signed by the parties duly attested by their respective counsels. The contents of the Joint Memo of Compromise reads as follows:

**“ MEMORANDUM OF COMPROMISE ENTERED
BETWEEN THE PARTIES**

1. *The applicant / petitioner herein filed the above application under section 11(4) of Arbitration and Conciliation Act, 1996 seeking for appointment of an Arbitrator to settle the dispute that arose between the parties under the Builders Agreement dated 24.06.2017 entered between the parties.*

2. *Pending above application the parties due to the intervention of mediators and well wishers amicably under good will settle the dispute by the following terms:*

NOW THIS DEED OF COMPROMISE WITNESS AS
FOLLOWS:

A. *The applicant / petitioner has completed the apartment bearing No.PE & 14 D and Respondents / Respondents also accepted and fully satisfied with the*

completion of their apartments and acknowledged as per the terms agreed between the applicant / petitioner and respondents / respondents under the Builders Agreement dated 24th June 2017 registered as Doc.No.1000 of 2017 at Sro., Triplicane.

B. The applicant / petitioner and the respondents / respondents agrees to adhere the terms as contemplated in the Builders Agreement dated 24th June 2017 registered as Doc.No.1000 of 2017 at sro., Triplicane.

C. The applicant/ petitioner handed over the keys of the apartment No.PE & 14 D to the respondent / respondents and handed over physical possession of the apartment to the respondent / respondents.

D. The respondent / respondent withdrawn the Criminal complaint lodged by him before the Chennai Central Crime Branch, bearing Crime No.136 of 2018 under section 406, 506 (i) of IPC against the applicant / petitioner on this day of execution of this Memorandum of Compromise. A copy of the withdrawal of complaint has also been enclosed herewith for ready reference.

E. The respondents / respondents agrees that they will co-operate and would say no objection if the

applicant / petitioner seeks to quash the Crime No.136/2018 registered on the complaint lodged by the respondent / respondent.

F. That the applicant / petitioner as well as the respondent / respondents have expressed herein that there is no other claims, dispute or whatsoever against each other and the compromise entered is full and final

Dated at Chennai this the 30th day January 2019.”

2.The above Joint Memo of Compromise dated 30.01.2019 filed by the parties shall form part on the records and accordingly O.P.Nos.409 and 410 of 2018 stands closed. No costs.

31.01.2019

Index: Yes/no

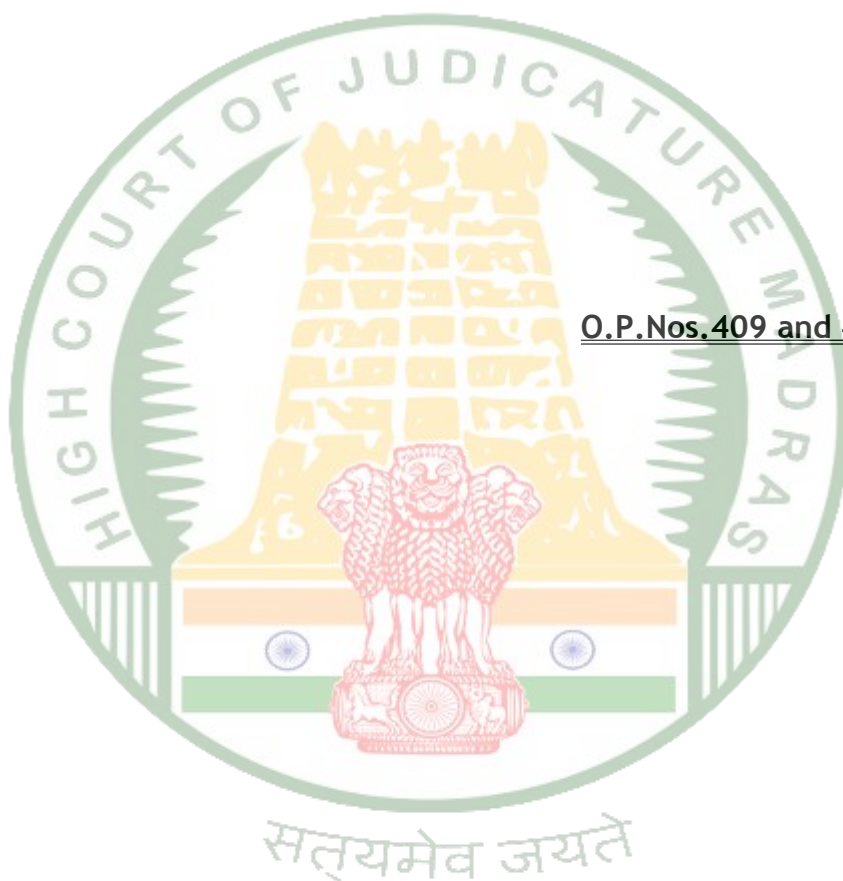
Speaking order / Non speaking Order

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M.GOVINDARAJ, J

bkn



O.P.Nos.409 and 410 of 2018

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31.01.2019