

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No. 629 of 2016

S.P.Velayutham

..Plaintiff

Vs.

1. S.Sampathkumar

2. S.Sukumar

..Defendants

Prayer: Complaint filed under Order IV Rule 1 of Original Side Rules r/w Order VII Rule 1 of C.P.C., praying as follows:

a) Directing the defendants to convey the schedule mentioned property to the plaintiff or his nominee or nominees upon receiving the balance sale consideration of Rs.2,78,46,774/- (Rupees two crores seventy eight lakhs forty six thousand seven hundred and seventy four only) by due execution and registration of the sale deed within the period to be fixed by this Hon'ble Court;

b) In the event of the defendants not complying with the above order of this Hon'ble Court, conveying the schedule mentioned property to the plaintiff or his nominee or nominees upon the plaintiff depositing the balance sale consideration of Rs.2,78,46,774/- (Rupees two crores seventy eight lakhs forty six thousand seven hundred and seventy four only) before this Hon'ble Court, by due execution and registration of the sale deed in favour of the plaintiff or his nominee or nominees;

c) Directing the defendants to pay to the plaintiff the costs and expenses incurred in instituting this suit and;

d) Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thereby render justice.

For Plaintiff : Mr.K.Surendar

For Defendants : Mr. M.Devendran for D1
Mr.M.Murali for D2

ORDER

Plaint filed under Order IV Rule 1 of Original Side Rules r/w Order VII Rule 1 of C.P.C., praying as follows:

a) Directing the defendants to convey the schedule mentioned property to the plaintiff or his nominee or nominees upon receiving the balance sale consideration of Rs.2,78,46,774/- (Rupees two crores seventy eight lakhs forty six thousand seven hundred and seventy four only) by due execution and registration of the sale deed within the period to be fixed by this Hon'ble Court;

b) In the event of the defendants not complying with the above order of this Hon'ble Court, conveying the schedule mentioned property to the plaintiff or his nominee or nominees upon the plaintiff depositing the balance sale consideration of Rs.2,78,46,774/- (Rupees two crores seventy eight lakhs forty six thousand seven hundred and seventy four only) before this Hon'ble Court, by due execution and registration of the sale deed in favour of the plaintiff or his nominee or nominees;

c) Directing the defendants to pay to the plaintiff the costs and expenses incurred in instituting this suit and;

d) Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thereby render justice.

2. A joint memo signed by the parties as well as their respective counsels has been filed. The said memo shows that the defendant have executed a sale deed in favour of the nominee of the plaintiff Mrs. Gowri Velayutham on 20.03.2019 and said sale deed has also been registered in Document No. 2473 of 2019 in the Office of Sub-Registrar, Pallavaram. The execution of sale deed has been done in terms of the settlement recorded in the joint compromise memo dated 26.10.2018.

3. In view of the same, the suit is dismissed as settled out of Court and there will be an order to refund the entire Court fee to the plaintiff.

27.03.2019

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R.SUBRAMANIAN, J.

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