

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**CRP(NPD) No.1620 of 2019 &
CMP.Nos.10645, 12057 of 2019**

Mrs. Rajam Ponniah (died)

1. Brindha Ponniah
2. Janani Ponniah

.. Petitioners

-vs-

M. Sivakumar

.. Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 (Tamilnadu Act XVIII of 1960) to strike out the RCA.No.87 of 2019 on the file of VII Judge, Small Causes Court, Chennai as irregular.

For Petitioners : M/s.T.M.Naidu and Co.

For respondents : M/s.M.Hepzhiba

ORDER

सत्यमेव जयते

The parties to the Revision Petition have entered into a Memorandum of Compromise dated 18.6.2019, signed by both parties and their respective counsels. Accordingly, the respondent/tenant handed over the keys of the petition premises to the petitioner/landlord and the petitioner/landlord has refunded the advance amount of Rs.2,00,000/- (Rupees two lakhs only) received at

the time of induction, by way of Demand Draft dated 18.06.2019 bearing No.508636 drawn on ICICI Bank, Cenotaph Road, Chennai and the receipt of the same has been acknowledged by the respondent/tenant.

2. The Memorandum of Compromise dated 18.06.2019 reduced to writing is extracted hereunder;

1. The Appellant herein filed RCOP.No.944 of 2016 on the file of XIV Small Causes Court u/s.10(2) TNBLR Act for default of rentals which was decided in affirmative. Subsequently, the Respondent herein filed RCA.No.315 of 2018 against the order in M.P.No.472 of 2018 (in) RCOP.No.944/2016 on the file of IX Small Causes Court. Meanwhile the R.C.O.P.No.944/2016 on the file of XIV Small Causes court was closed for non-compliance of its Sec 11(4) TNBLR Act order. An Execution petition in E.P.No.145 of 2019 was also filed for eviction. Aggrieved by the order, the respondent herein challenged the said order by way of an appeal in R.C.A.No.87/2019 pending on the file of VII Small Causes Court at Chennai and was pleased to obtain a stay in M.P.No.89/2019 upon condition to deposit Rs.1,00,000/- on account of the pending RCA. Conditional Order Complied.

2. Meanwhile the Appellants herein aggrieved by

the conduct of granting a conditional stay being erroneous, had preferred a civil revision in C.R.P.No.1620/2019 to strike out the Appeal in R.C.A.No.87 of 2019 as abuse of process. After hearing the Miscl. Petition in C.M.P.No.10645 / 2019 for Stay and having found merits, this Hon'ble Court was pleased to grant stay of the operation of the RCA No.87/2019 pending on the file of VII SCC at Chennai.

- 3. Meanwhile the Respondent herein had approached the Appellant and agreed to hand over the possession back to Appellants upon receipt of the advance amount of Rs.2,00,000/- (Rupees two lakhs only) which was initially paid during the inception. The Appellant accepted the proposal to give quietus to the rounds of Litigation and to save time.*
- 4. Hence the Appellants herein has drawn a demand draft in the name of Respondent vide Bank ICICI, Cenotaph Road Branch Dated 17.06.2019 vide Demand Draft No.508636 for amount of Rs.2,00,000/- and shall hand it over before this Hon'ble Court in exchange of the keys to the premises for the purpose of recording the compromise arrived between parties.*
- 5. That subsequent to this compromise memorandum, all appeal and executions pending*

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msr

against either parties shall be "Not Pressed" and hence shall be treated as closed. In furtherance to this Memorandum of Compromise, the respondent herein has no claim with respect to the property whatsoever.'

2. In view of the settlement arrived at between the parties, the Civil Revision Petition is disposed of in terms of Memorandum of Compromise filed by both parties which shall form part and parcel of the order. No costs. Consequently, the connected CMP.Nos.10645, 12057 of 2019 are closed.

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Index:Yes/No
Internet:Yes/No

To

The VII Judge, Small Causes Court, Chennai

19.06.2019

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