

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.67 of 2018
and
A.No.6158 of 2018

1.S.R.Murugadoss

2.Seetha Murugadoss

... Plaintiffs

Vs.

1.M/s.Land Marvel Homes,
No.63 (Old Vasantha Bhavan adjacent entrance)
I Floort, L.B.Road, Adyar, Chennai - 600 020.

2.M.Palaniappan

3.M.Arivazhagan

4.M.Veerasekar

5.M.Vinayagharaaj

6.C.V.S.Lakshmmamma

7.Dr.C.V.Shiva Kumar

... Defendants

Plaint filed under Order IV Rule 1 of O.S.Rules read with Order VII
Rule 1 of C.P.C. praying to pass a judgment and decree:

(a) directing the defendants 1 to 5 jointly and severally to pay the plaintiffs a sum of Rs.3,99,11,055.14 together with interest at 18% p.a. on Rs.3,37,58,780/- from this date till date of realization in full;

(b) permanent injunction restraining the defendants 1 to 5, their men, agent/s, servant/s or anyone acting on their behalf from interfering with plaintiffs' peaceful possession and enjoyment of the schedule property, as the plaintiffs fear that the quality of construction will be at stake if the defendants 1 to 5 are permitted to construct the Flats after this episode;

(c) directing the defendants 6 and 7 to partition the Schedule Property by metes and bounds and allot 60% area of the Schedule Property to the plaintiffs and if the schedule property is not divisible by metes and bounds as per Law in force, the plaintiffs are also willing to purchase the remaining 40% of the Schedule Property from the defendants 6 and 7 according to the value fixed by this Hon'ble Court and

(d) for costs of the suit.

For Plaintiffs : Mr.V.Bhiman
for M/s.Sampathkumar & Associates
For defendants : Mrs.Indhu Karunakaran for D1 to D5
Mr.R.Narayanan for D6 and D7

JUDGMENT

The matter was referred to mediation on 15.11.2018. Mediation report has been received. The joint memo of compromise entered into between the parties has also been filed. The mediation report discloses that the bone of contention between the parties has been settled between the parties as per the joint memo of compromise.

2. As per the same, the suit is decreed in terms of compromise. The said compromise memo shall form part of the decree. No costs. Consequently, the connected Application is closed.

04.03.2019

dsa

Index : Yes/No

Internet : Yes/No

Speaking Order/ Non-Speaking Order

WEB COPY

List of the witnesses examined on the side of the plaintiffs:

PW1 - S.Murugadas

List of Exhibits marked on the side of the plaintiffs:

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Description</i>	<i>Dated</i>
1	Ex.P1	Photocopy of the Promoter Agreement for Construction of Flat	30.03.2010
2	Ex.P2	Copy of Supplement Agreement	01.09.2010
3	Ex.P3	Copy of letter from defendants 1 to 5 reducing interest payable to 18% from 24%	25.10.2011
4	Ex.P4	Copy of Income Tax order demanding capital gain tax	31.12.2012
5	Ex.P5	Copy of the Agreement for allotment and Construction of Flat	09.02.2014
6	Ex.P6	Copy of Agreement	20.08.2015
7	Ex.P7	Copy of Agreement for construction of 2500 sq.ft in the first floor together with 2 covered car park	12.02.2016
8	Ex.P8	Copy of the Sale Deed	12.02.2016
9	Ex.P9	Copy of the Agreement securing Rs.75 lakhs	12.02.2016
10	Ex.P10	Copy of the Sale 864/2016 SRO, Adyar	06.04.2016
11	Ex.P11	Copy of the Agreement for construction of 2500 Sq.ft in 2 nd Floor together with 2 covered car park	14.11.2016
12	Ex.P12	Copy of Supplement	18.11.2016
13	Ex.P13	Copy of the extract from the Permanent Land Register	05.08.2016
14	Ex.P14	Copy of the Notice from plaintiff's counsel to 1 st defendant along with postal receipt and acknowledgment cards	23.03.2017
15	Ex.P15	Copy of letter from defendants 1 to 5 for starting construction	04.04.2017

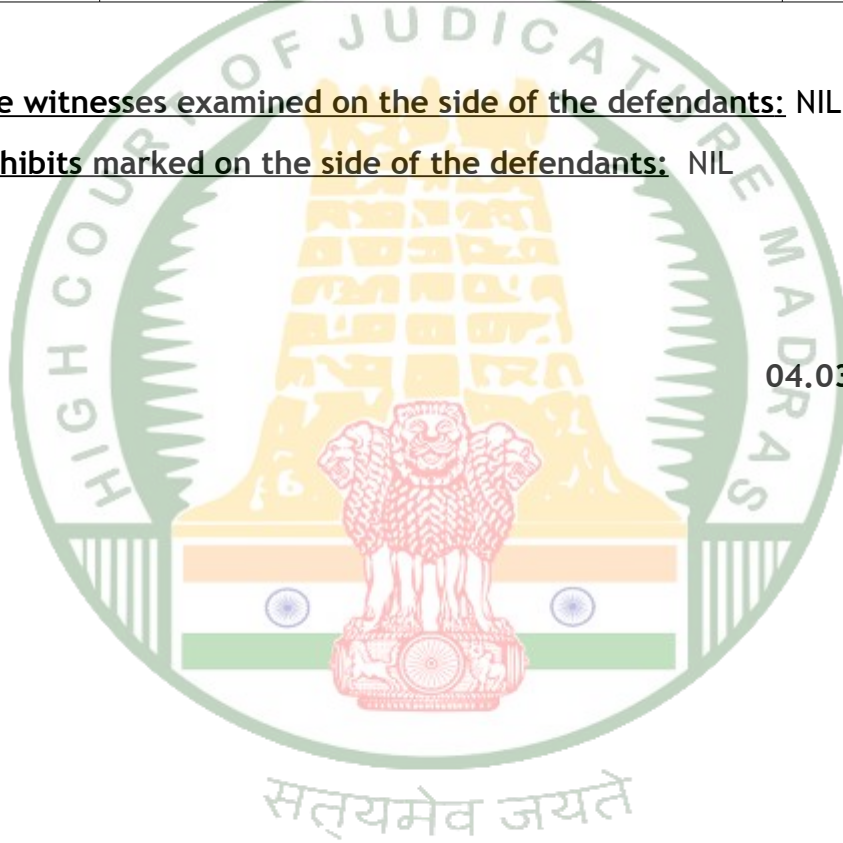
Sl. No.	Exhibits	Description	Dated
16	Ex.P16	Copy of letter from defendants 1 to 5 for purchase of materials for construction	09.04.2017
17	Ex.P17	Copy of Notice from plaintiff's counsel to defendants 1 to 5 along with postal receipt and acknowledgment cards	24.05.2017

List of the witnesses examined on the side of the defendants: NIL

List of Exhibits marked on the side of the defendants: NIL

dsa

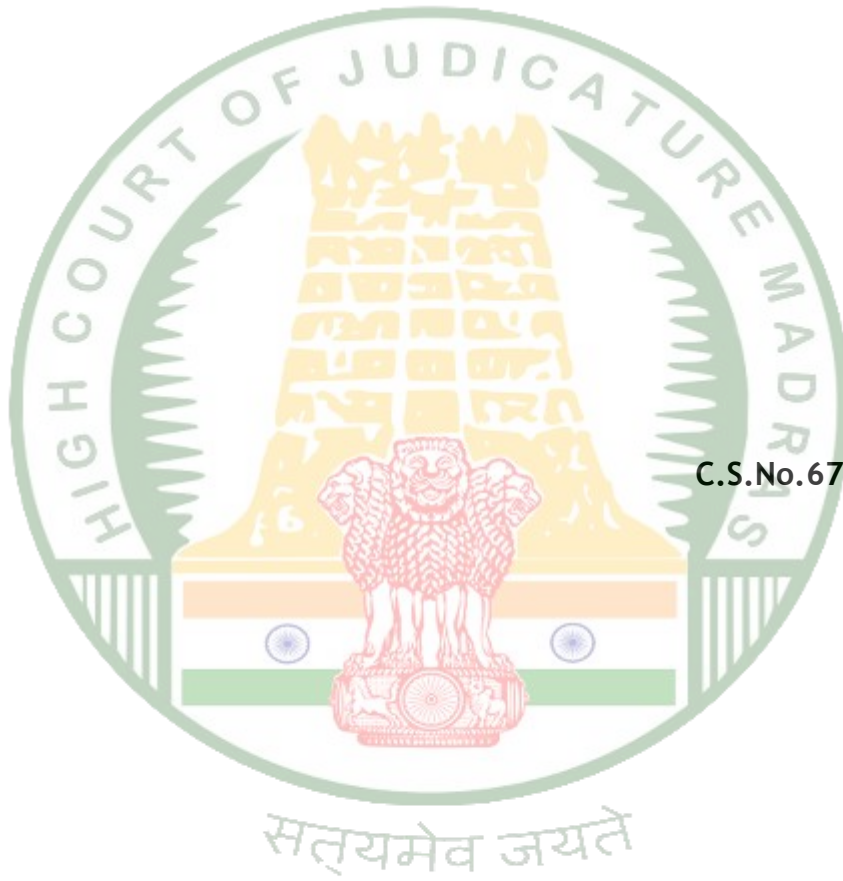
04.03.2019



WEB COPY

R.SUBRAMANIAN, J.

dsa



C.S.No.67 of 2018

WEB COPY

04.03.2019