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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2015

(Judgment Reserved on 21-09-2015)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Civil Suit No.1160 of 2009 &

Original Application No.24 of 2010

M/s.Noohu Abdul Cadar Holdings (P) Ltd.,
M.K.M.Chambers, Third Floor,
No.42, Kodambakkam High Road,
Nungambakkam, Chennai-600 034.

.. Plaintiff

Vs.

1. Ms.R.Rajalakshmi
2. Dr.Mrs.Sarasabarati
3. Ms.R.Vijayalakshmi

.. Defendants

Plaint filed and numbered as Civil Suit under Order 4 Rule 1 of the Madras High Court Original Side Rules, read with Order 7 Rule 1 of the Code of Civil Procedure, praying for judgment and decree:

(a) directing the defendants to jointly bind themselves to execute and register a sale deed in respect of the property shown in schedule hereunder pursuant to the agreement of sale executed by them, dated 22.03.2006 in favour of the plaintiff and in the event of the defendants failing to do so, directing an office appointed by this Court to execute such sale deed in favour of the plaintiff, and

(b) directing the defendants to pay the costs of the suit.

Schedule of propertiesItem 1:

All that piece and parcel of the land situated at Plot No.78 A, Gulmohar Avenue, Velachery Road, Guindy, Chennai 600 032, comprised in Survey No.5/1, Block No.15 of Velachery Village, Mambalam Guindy Taluk, Chennai District, measuring an extent of 1 ground and 317 Sq.Ft. and being bounded on the

North by: Corporation Door No.12, Gulmohar Avenue

East by: House No.78.B, Gulmohar Avenue

West by: Lands of Dr.S.Arumugam

South by: 16 feet passage to House sites 78.B and 78.C

Ad.measuring North to South on the Eastern side 57 feet, Western side 27 feet, East to West on the Northern side 65 feet, Southern side 65 feet, in all measuring 1 ground and 317 Sq.Ft. or thereabouts lying within the Sub-Registration District of Velachery and Registration District of South Chennai.

Item No.2:

All that piece and parcel of the land situated at Plot No.78.B, Gulmohar Avenue, Velachery Road, Guindy, Chennai 600 032, comprised in Survey No.5/1, Block No.15 of Velachery Village, Mambalam Guindy Taluk, Chennai District, measuring an extent of 1 ground and 1971 Sq.Ft. and being bounded on the

North by: Properties of A.K.Thiagarajan

East by: House No.78.C, Gulmohar Avenue

West by: House No.78.A, Gulmohar Avenue

South by: 16 feet passage to House sites 78.B and 78.C

lying within the Sub-Registration District of Velachery and Registration District of South Chennai.

Item No.3:

All that piece and parcel of the land situated at Plot No.78.C, Gulmohar Avenue, Velachery Road, Guindy, Chennai-600 032, comprised in Survey No.5/1, Block No.15 of



Velachery Village, Mambalam Guindy Taluk, Chennai District, measuring an extent of 1 ground and 2300 Sq.Ft., and being bounded on the

North by: Properties of A.K.Thiagarajan

East by: Property of K.G.Krishnan

West by: Plot No.78.B, Gulmohar Avenue

South by: 16 feet passage

lying within the Sub-Registration District of Velachery and Registration District of South Chennai.

Item No.4:

All that piece and parcel of the land situated Gulmohar Avenue, Velachery Road, Guindy, Chennai-600 032, comprised in R.S.No.78, T.S.No.5/3.B, Block No.15 of Velachery Village, Mambalam Guindy Taluk, Chennai District, measuring an extent of 519 Sq.Ft. and being bounded on the

North by: T.S.No.5/1

East by: Portion of T.S.No.5/3.B, held by E.G.Vijayalakshmi

West by: 10 feet wide passage

South by: 40 feet road

lying within the Sub-Registration District of Velachery and Registration District of South Chennai.

Item No.5:

All that piece and parcel of the land situated Gulmohar Avenue, Velachery Road, Guindy, Chennai 600 032, comprised in R.S.No.78, T.S.No.5/3.B, Block No.15 of Velachery Village, Mambalam Guindy Taluk, Chennai District, measuring an extent of 50 Sq.Ft. and being bounded on the

North by : T.S.No.5/1

East by: Portion of T.S.No.5/3.B held by E.G.Vijayalakshmi

West by: 16 feet wide passage

South by: Portion of T.S.No.5/3.B held by

E.G.Vijayalakshmi

lying within the Sub-Registration District of Velachery and



Registration District of South Chennai.

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For plaintiff : Mr.S.A.Rajan

For defendants: Defendants set ex-parte on 24.09.2014

JUDGMENT

The Civil Suit is filed by the plaintiff to direct the defendants to execute the sale deed in respect of the suit properties, pursuant to the agreement of sale executed by them, dated 22.03.2006 in favour of the plaintiff.

2. The suit properties belong to the defendants, who are the daughters of Late Raghuraja Bharati and the defendants have purchased the suit schedule properties by different sale deeds and they are reconstituted into one property and are capable of being sold as one unit. The defendants, on 22.03.2006, agreed to sell the properties to the plaintiff for sale consideration of Rs.75 lakhs and on the same day, the plaintiff paid Rs.15 lakhs by cash and Rs.20 lakhs was paid by Demand Drafts. These Demand Drafts and cash were handed over to the defendants at their request for payment in Civil Suits pending before this Court in C.S.Nos.678 and 679 of 2005. The defendants agreed to receive the balance sale consideration of Rs.40 lakhs at the time of execution and registration of the sale deed.

The plaintiff has always been ready and willing to pay the balance sale consideration. The defendants have been



P.W.1. It is also proved by the plaintiff through the said oral and documentary evidence that they have always been ready and willing to perform their part of contract by paying the balance sale consideration.

6. During the course of arguments in the suit, the plaintiff deposited the balance sale consideration of Rs.40 lakhs by way of Demand Draft, dated 09.09.2015 drawn on Indian Overseas Bank, Gemini Circle, Chennai, in favour of the Registrar General, High Court, Madras.

7. Thus, the plaintiff clearly proved their case and they are entitled to decree of specific performance as prayed for. Accordingly, the suit is decreed ex-parte, as prayed for, with costs. The defendants are directed to execute the sale deed in accordance with law. O.A.No.24 of 2010 is closed.

Witnesses examined on the side of plaintiff:-- P.W.1
Mr.M.Aydrouse

List of documents marked on the side of plaintiff:--

<i>Exhibit No.</i>	<i>Date</i>	<i>Description of the exhibit</i>
P-1	22.03.2006	Original Agreement of sale entered into between the plaintiff and the defendants
P-2	20.07.2009	Original letter sent by the defendants to the plaintiff along with the postal cover
P-3	25.07.2009	Office copy of the reply sent by the plaintiff to the defendants



<i>Exhibit No.</i>	<i>Date</i>	<i>Description of the exhibit</i>
P-4	21.11.2014	Authorisation letter of the Director of the plaintiff-Company authorising P.W.1 to appear in the case, tender evidence and mark documents

Witnesses examined on the side of defendants:-- Nil

Documents marked on the side of defendants:- Nil

Court witness and Court document : Nil

Sd/.G.C.J
27.10.2015

//Certified to be a true copy//

Dated this the day of 2016

R.s/21.01.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.