



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

C.R.P.(NPD) (MD) .No.1998 of 2010

1.L.Maragatham
2.L.Balasubramanian (Died)
3.Devaki
4.Subrathra .. Petitioners/Appellants
5.B.Vasuki
6.B.Prasannakumar
7.B.Vigneshwaran
8.B.Gowtham ..Petitioners
(P5 to P8 are bring on record as Lrs of P2 as per order dated
02.04.2019 in C.M.P. (MD) .No.2101/2019)

Vs.

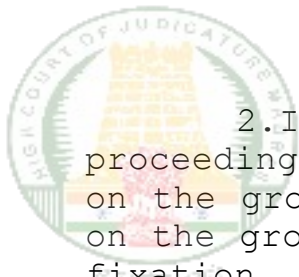
1.Dr.S.Veerabattran (died)
2.V.Vasantha
3.Dr.V.Sridhar
4.Dr.V.Suresh
5.Dr.V.Mahesh
6.Dr.V.Hema Venkat
(R2 to R6 are bring on record as Lrs of R1 as per order dated
07.06.2019 in C.M.P. (MD) .Nos.10218 & 10219/2018)

Prayer: Civil Revision Petition filed under Section 25 of the Tamilnadu Buildings (Lease & Rent Control) Act, 18/1960 as amended by Tamilnadu Act 23/1973, against the fair and decreetal order passed in R.C.A.No.70 of 2004, dated 09.10.2009 on the file of the Principal Subordinate Judge, Madurai, confirming the fair and decreetal order passed in R.C.O.P.No.147 of 1997 on the file of Additional District Munsif Court, Madurai Town, dated 13.02.2004.

For Petitioners : Mr.M.P.Senthil
For Respondents : Mr.V.Chandrasekaran for R2 to R6
R1 - Died

ORDER

This Civil Revision petition is filed by the land lord who filed a petition for fixation of fair rent before the Rent Controller.



2.It is submitted that during the pendency of the proceedings, the landlord has also filed a petition for eviction on the ground of wilful default and another petition for eviction on the ground of own use and occupation. As against the order of fixation of fair rent of Rs.7,000/- per month the revision petition has been preferred by the landlord. In view of the subsequent developments and the pendency of the other two petitions, before the Rent Controller, it appears that the parties have entered into a compromise to put and end to the litigation.

3.Accordingly, the joint compromise memo signed by the parties in the presence of their respective counsels is produced before this Court, dated 09.08.2019. It is stated by the counsels on either side that the property which is the subject matter of the proceedings was allotted to the second petitioner. The second petitioner died during the course of proceedings and his legal heirs are brought on record as petitioners 5 to 8. It is stated that the petitioners 3 and 4 have no right in the property and therefore they have not signed the compromise memo. It is also stated that the original tenant Dr.S.Veerapatran died and the possession was continued only with respondents 3,4 and 5. It is stated that the respondents 2 and 6 have no right or claim over the property that is the subject matter of the proceedings for fixation of fair rent. In the above circumstances, parties namely petitioners 5 to 8 and respondents 3 to 5 have signed the compromise memo. The parties to the compromise memo have appeared before this Court and acknowledged their signature in the compromise memo.

4.As per the compromise memo, the parties have agreed to the following terms.

"The respondents have agreed to and undertook to vacate the petition building on or before 31.10.2019. The respondents undertook to hand over the possession of the petition mentioned property directly to the petitioners 5 to 8 without driving the petitioners 5 to 8 to resolve the execution proceedings to take possession.

The parties submitted that they would be liable for follow the undertaking abide by the terms of compromise.

The petitioners have agreed and undertook that they will accept a sum of Rs.7,709/- per month fixed by the Rent Controller as fair rent till they vacate the schedule building on 31.10.2019.

The petitioners are entitled to withdraw the rent amount deposit to the credit of R.C.O.P.Nos.228 and 242 of 2010 on the file of the Rent Controller (Principal District Munsif, Madurai)."



5. In view of the terms of the joint compromise memo, this Court is inclined to dispose this Civil revision petition in the same terms as the parties have agreed to get the revision petition disposed of in terms of the joint compromise memo. Accordingly, this Civil revision petition is disposed of in terms of joint compromise memo dated 09.08.2019. The joint compromise memo dated 09.08.2019, signed by the parties and presented before this Court shall form part of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

TM

Encl:Xerox copy of joint Compromise memo
To

1.The Principal Sub Judge, Madurai.

2.The Additional District Munsif, Madurai Town
Madurai

copy to

The Section Officer,-3 copies
E.R/V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.CHANDRASEKAR, Advocate (SR-80981[F] dated
09/08/2019)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-81274[F] dated
13/08/2019)

C.R.P.(NPD) (MD) .No.1998 of 2010
09.08.2019

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