

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 3/9/2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.A.No.402 and 403 of 2013

and

A.No.2225 of 2013

in

O.P.No.503 of 1995

Nanchil Infrastructure Private Ltd
rep. By its Executive Director
“Kurinchi” II Floor
66 New Avadi Road
Chennai 600 010.

Applicant

Vs

Young Men's Christian Association
rep. By its General Secretary
No.223 N S C Bose Road
Chennai 600 001.

Respondent

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Clause 13 of the Letters Patent read with Order XXXIX Rules 1 and 2 of CPC.

For Applicant : Mr.Shubhans Nail

For respondent : Mr.V.Ayyadurai
Senior Counsel

COMMON ORDER

O.A.No.402 of 2013 has been filed to issue an order of interim injunction restraining the respondents, its Officers, employees, subordinates, agents or any other person acting or claiming under the respondent in any manner acting derogation of the agreement dated 26/12/1995 entered into between the applicant's assignor or predecessor-in-interest and the respondent and the Deed of Assignment dated 11/12/2002 entered into between the applicant, its assignor or predecessor-in-interest and the respondent herein pending arbitral proceedings.

2. O.A.No.403 of 2013 has been filed to issue an order of interim injunction restraining the respondents, its Officers, employees, subordinates, agents or any other person acting or claiming under the respondent from in any manner creating any third party rights whatsoever in respect of the land of an extent of 29.50 grounds out of the larger extent of land admeasuring 4 cawnies, 3 grounds and 1,785 sq ft., or thereabouts comprised in old S.No.23, New Survey No.365, situate in No.5, West Cott Road, Royapettah, Pudupakkam Village, Chennai 14, morefully described in the Schedule to the Judges Summons pending arbitral proceedings.

3. Application No.2225 of 2013 has been filed to issue an interim order directing the respondent to forthwith sign and return the revised plans and drawings in respect of the proposed construction in the land of an extent of 29.50 grounds out of the larger extent of land admeasuring 4 cawnies, 3 grounds and 1,785 sq.ft., or thereabouts comprised in old S.No.23 New S.No.365, situate in No.5 West Cott Road, Royapettah, Pudupakkam Village, Chennai 14 morefully described in the Schedule to the Judges Summons so as to enable the applicant to submit the same to the Chennai Metropolitan Development Authority for necessary sanction pending arbitral proceedings.

4. Today, when the matters were taken up for hearing through Video Conferencing, learned counsel appearing for the applicant submitted that both the parties have arrived at an amicable settlement and hence nothing survives in these petitions and hence the same may be closed.

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5. Salient feature of Joint Memo of Compromise, 4th March 2019, entered into between the parties are as follows:-

“1. Petitioner has paid Rs.3 crores to the

respondent towards full and final settlement of all the claims made by them at the time of the respondent executing the Deed of Assignment.

2. The respondent has relinquished all their rights, claims and interest over the property at Royapettah following the execution of the Deed of Assignment.

3. The respondent hereby withdraws A.Nos.2225 of 2014 and O.A.No.402 and 403 of 2013 in O.P.No.503 of 1995.

4. The Development project shall be taken over by M/s. Madras Estates & Company, which has also contributed a sum of Rs.1 crore towards the compensation of Rs.3 crores payable to the respondent.”

6. Recording the same, instant Applications are closed. Joint Memo of Compromise shall form part of the records.

mvs.

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N.SATHISH KUMAR, J

mvs.



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