

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**C.S.No.813 of 2004**

Mohammed Ziaur Rehman,  
D82, Jagjivanram Hospital Doctor's Quarters,  
Maratha Mandir road, Bombay Central,  
Mumbai 400 008. ... Plaintiff

Vs.

Dr. (Mrs) Rais J. Zawahir,  
AA-22, Anna Nagar, Chennai-40. ... Defendant

**Prayer:** Civil Suit filed under Order VII Rule 1 to 6 of CPC read with Order 4 Rule 1 of Original Side Rules a) for specific performance of the agreement of sale dated 28.10.2002 by directing the defendant to execute and register the sale deed in respect of the suit property in favour of the plaintiff upon receiving the balance sale consideration as per the agreement, b) alternatively and without prejudice, in the event of this court coming to a conclusion that the relief of specific performance of the agreement dated 28.10.2002 cannot be granted, this court may be pleased to direct the defendant to make payment of Rs.4.5 crores as damages to the plaintiff or such further sum as may be determined by this court on enquiry for which the plaintiff undertakes to pay additional court fee.

For Plaintiff : Mr.Madhan Babu

For Defendant : Mr.CA.Theagarajan

**ORDER**

This suit has been filed for specific performance of the agreement dated 28.10.2002 or in the alternative for direction to the defendant to make payment of Rs.4.5 crores as damages to the plaintiff.

2. The plaintiff appeared through Video Conference and he was identified by the counsel appearing for the plaintiff.

3. A Demand Draft for a sum of Rupees one Crore was handed over to the plaintiff's representative, in accordance with the terms and the same is acknowledged by the counsel for the plaintiff.

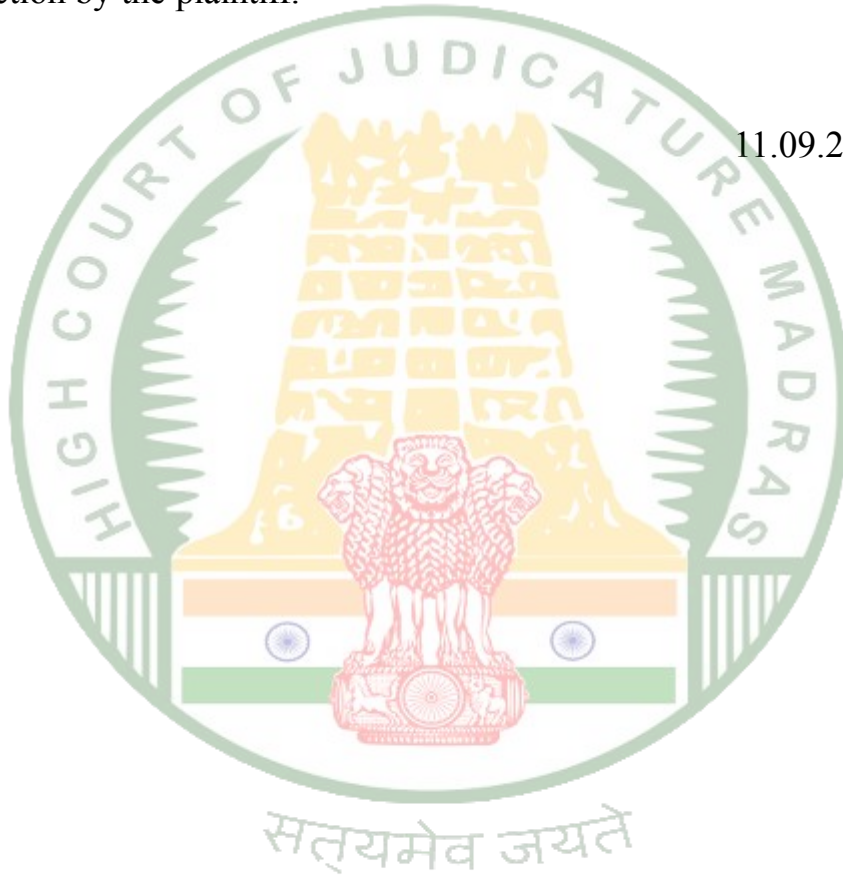
4. The learned counsel appearing for the defendant submitted that as the matter has been settled, memorandum of compromise may be recorded.

5. Accordingly, the suit is disposed of in terms of the memorandum of compromise entered into between the parties and the memorandum of compromise shall form part and parcel of the decree and judgment. The parties are agreed to hand over all the documents, filed in

the court, to the defendant and the same is referred in the agreement. The Registry shall refund the court fee as per law, as the matter has been settled before the Mediation and the Court Fee shall be refunded in the name of Mr. Madhan Babu, counsel for the plaintiff, for which, there is no objection by the plaintiff.

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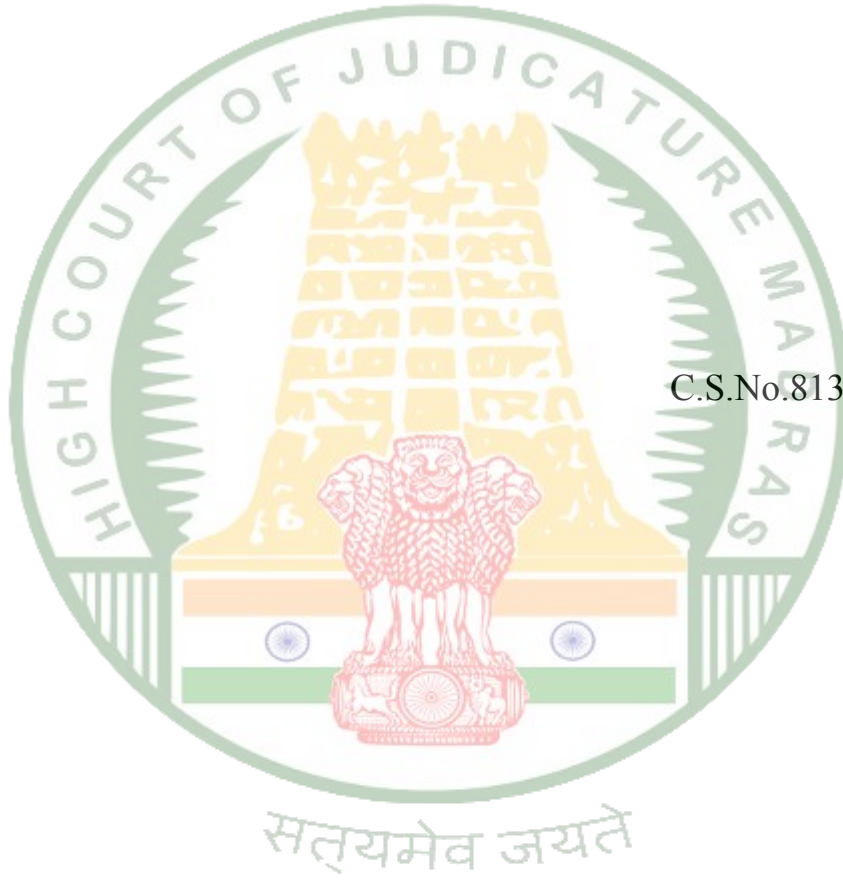
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*C.S.No.813 of 2009*

**N. SATHISHKUMAR, J.,**  
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C.S.No.813 of 2004

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