



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 07TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N. SESHASAYEE

C.S.No.115 of 2005

M/s. PONNIAMMAN EDUCATIONAL TRUST
Represented by its Chairperson / Managing Trustee
Old No.12-C, New No.24,
Sixth Main Road,
Kasturibai Nagar, Adayar
Chennai – 600 020.

... Plaintiff

-Vs-

* 1st Defendant deleted as per
order dt.09.03.2021 in Appln.No.948/2021

S.Velayutham.
No.3/107, Second Main Road.
Madipakkam.
Chennai – 600 091.

... Defendant

Civil suit praying that this Hon'ble Court be pleased to a judgement
and decree against the Defendants

(a) For specific performance of agreement of sale dated 04.08.2001
entered into between the plaintiff and the defendants, by directing the
defendants to execute and register the sale deed in favour of the plaintiff or
plaintiff's nominees, conveying and transferring the suit schedule mentioned
property with vacant possession within the time to be fixed by this Hon'ble



Court on the plaintiff paying the balance of sale consideration of Rs.5,02,45,333.33/- and in default, directing the First Assistant Registrar, Original Side of this Hon'ble Court or any other Officers of this Court to execute and register the sale deeds in favour of the plaintiff or the plaintiff's nominees;

ALTERNATIVELY :

(b) directing the defendants to refund the plaintiff a sum of Rs.30,00,000/- together with interest at 24% p.a. from 04.08.2001 till date of realisation.

(c) Directing the defendants to pay a sum of Rs.1,83,45,333/- towards damages for committing breach of the agreement of sale dated 04.08.2001.

(d) Directing the defendants to pay the cost of the suit

This Civil Suit coming on this day before this court for hearing in the presence of Mr.T.Sathiyamoorthy, advocate for the plaintiff herein and Mr.K.Surendar, advocate for the defendant herein and upon reading the pleadings filed herein and the plaintiff having submitted that he withdraws the suit on being satisfied with the balance now outstanding, and that he would withdraw the amount deposited by the defendant with all accrued interests, based on the settlement between the parties and **it is ordered as follows:-**

That the plaintiff herein be and is hereby permitted to withdraw the suit C.S.No.115 of 2005 as settled out of court.



2) That a certificate Under Section 69 of The Tamil Nadu Court Fees and Suit Valuation Act XIV of 1955 (Amended Act), do issue herein, out of and under the seal of this court in favour of M/s. Ponniamman Educational Trust, rep.by its chairperson/Managing Trustee, the plaintiff herein, authorising them to receive from the Pay and Accounts Office, High Court, Chennai a sum of Rs.5,36,000/- (Five Lakhs Thirty Six Thousand only) being the entire court fee paid on the plaint by the plaintiff herein.

3. That the plaintiff herein, is now required to take payment out application for withdrawing the amount now standing to the credit of the suit.

4. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
07TH DAY OF OCTOBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.-I)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



WEB COPY 10.11.2021

C.S.No.115 of 2005

ORDER:

DATED : 07/10/2021

THE HON'BLE MR. JUSTICE
N. SESHASAYEE

FOR APPROVAL: 10/11/2021

APPROVED ON: 18/11/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.115 of 2005

Ponnamman Educational Trust
Represented by its Chairperson / Managing Trustee
Old No.12-C, New No.24
Sixth Main Road
Kasturibai Nagar, Adayar
Chennai – 600 020.

... Plaintiff

Vs.

S.Velayutham
No.3/107, Second Main Road
Madipakkam
Chennai – 600 091.

... Defendant

[1st Defendant – The Church of Chirst Charitable Trust & Educational and Charitable Society, Rep. By its Chairman, No.35, Lock Street, Kotturpuram, Chennai – 600 085 – Deleted as per Order dated 09.03.2021 in Appln.No948/2021]

Prayer : Civil Suit filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of O.S.Rules, praying :

- (a) For specific performance of agreement of sale dated 04.08.2001 entered into between the plaintiff and the defendants, by directing the defendants to execute and register the sale deed in favour of the plaintiff or plaintiff's nominees, conveying and transferring the suit schedule mentioned property with vacant possession within the time to be fixed by this Court on the plaintiff paying the balance of sale



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consideration of Rs.5,02,45,333.33/- and in default, directing the First Assistant Registrar, Original Side of this Hon'ble Court or any other Officers of this Court to execute and register the sale deeds in favour of the plaintiff or the plaintiff's nominees;

ALTERNATIVELY :

- (b) directing the defendants to refund the plaintiff a sum of Rs.30,00,000/- together with interest at 24% p.a. from 04.08.2001 till date of realisation;
- (c) directing the defendants to pay a sum of Rs.1,83,45,333/- towards damages for committing breach of the agreement of sale dated 04.08.2001.
- (d) directing the defendants to pay the cost of the suit; and
- (e) to grant such further or other reliefs as this Court may deem fit and necessary on the facts and circumstances of the case.

For Plaintiff : Mr.T.Sathiyamoorthy

For Defendant : Mr.K.Surendar

JUDGMENT

The plaintiff withdraws the suit on being satisfied with the balance now outstanding, and that he would withdraw the amount deposited by the defendant with all accrued interests, based on the settlement between the parties. Therefore, this suit is permitted to be withdrawn as settled out of Court, and the Registry is directed to refund the Court fee as per law.



The plaintiff is now required to take a pay out application for withdrawing the amount now standing to the credit of the suit. No costs.

Sd./- N.S.S.J.
07.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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