

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HON'BLE Mr. JUSTICE P.D. AUDIKESAVALU

C.R.P. (NPD) No. 3326 of 2015

and

M.P. No. 1 of 2015

and

C.M.P. No. 7658 of 2016

Zeenathul Rabia

... Petitioner

-VS-

Royapuram Dharma Brahma Theertham Charities,
Represented by its Trustees

1. S.Ramakrishnan

2. K.S.Subramanian

3. A.S.Jayachandra Prasad

4. D.Sridharan

5. V.Sankara Narayanan

... Respondents

(Names of the First and Third Respondent/Trustees
are substituted by order dated 31.03.2016 in C.M.P. No. 4237 of 2016)

Prayer:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decretal order dated 30.04.2015 in E.S. No. 14 of 2012 passed by the III Small Causes Court Judge, Chennai.

For Petitioner : Mr. S.Bruno Cruz

For Respondents : Ms. N.Kanthimathi

ORDER
(through video conference)

Heard Mr. S.Bruno Cruz, Learned Counsel for the Petitioner and Ms. N.Kanthimathi, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It has been brought to the notice of this Court by the Learned Counsel for both sides that the matter had been referred to mediation and in the report dated 07.02.2017, it is stated that the parties have amicably settled the dispute between them and entered into Memorandum of Compromise dated 07.02.2017, which reads as follows:-

*"NOW THIS MEMO OF COMPROMISE WITNESSETH AS
FOLLOWS:-*

*a. The Petitioner/Defendant has agreed to pay the sum of Rs.
3,500/- (Rupees Three Thousand and Five Hundred Only) as a
monthly rent in respect of the land to the Respondent/plaintiff
with effect from 01.01.2013 to 31.10.2016.*

b. The Petitioner paid the sum of Rs.50,000/- (Rupees Fifty Thousand only) on 01-12-2016 by Cheque No. 424220 dated 30-11-2016 drawn on Karnataka Bank, Chennai to the Respondent/Plaintiff as refundable Caution Deposit and the Respondent/Plaintiff hereby acknowledges and accepts the receipt of the same.

c. The Petitioner/Defendant paid the sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) as arrears of rent as on 05-01-2017 to the Respondent/Plaintiff in the manner following:-

i.) Rs. 53,500/- (Rupees Fifty Three Thousand and Five Hundred only) paid on 16-12-2016 by cheque No.424222 dated 14-12-2016 drawn on Karnataka Bank, Chennai together with rent of Rs.3,500 for the month of November 2016 and

ii.) Rs. 50,000/- (Rupees Fifty Thousand only) paid on 02-01-2017 by cheque No.424224 dated 02-01-2017 drawn on drawn on Karnataka Bank, Chennai and

iii.) Rs. 25,000/- (Rupees Twenty Five Thousand only) paid

on 05-01-2017 by cheque No. 424225 dated 05-01-2017 drawn on Karnataka Bank, Chennai to the Respondent/Plaintiff and the Respondent/Plaintiff hereby acknowledges and accepts the receipt of the same.

- d. The Petitioner paid the sum of Rs.17,500/- (Rupees Seventeen Thousand and Five Hundred only) to the Respondent/Plaintiff as refundable Advance and the Respondent/Plaintiff hereby acknowledges and accepts the receipt of the same.*
- e. The Respondent/Plaintiff has agreed to withdraw the E.P. No. 8 of 2015 in E.S. No. 14/202 on the file of the Registrar, Small Causes Court, Chennai and shall not proceed the Judgment and Decreetal Order dated 30-04-2015 in E.S. No. 14/2012 against the Petitioner/Defendant.*
- f. The Respondent shall not interfere into the peaceful possession and enjoyment of the suit Schedule Property as described under this memorandum except according to law.*

- g. *It is agreed that all the above named parties should bear their own costs in the suit."*

Learned Counsel for both sides submit that the aforesaid terms of compromise have been fully carried out by the respective parties and nothing remains for further consideration in that regard. However, this would not preclude any of the parties to work out their remedies in respect of any subsequent dispute that may arise between them before the proper forum in the manner recognized by law.

3. Accordingly, the Civil Revision Petition is disposed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

25.03.2021

vjt

Index: Yes/No

Note: Issue order copy by 08.04.2021.

To

The III Small Causes Court,
Chennai - 600 104.

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P.D. AUDIKESAVALU, J.

vjt



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