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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 12TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S.No.986 of 2015

M/s.Akrti Homes,
A registered Partnership firm,
Represented by its Partner Mrs.Sangeeta Mehta,
No.13/7, Dhandapani Street,
T.Nagar, Chennai-600 017. ... Plaintiff

Vs.

M/s.Vardhman Foundation Private Limited,
Represented by its Director Uthamchand Jain,
No.116, Lakshmanaswamy Salai,
K.K.Nagar, Chennai-600 078. ... Defendant

Civil suit praying that this Hon'ble Court be pleased to pass a
Judgment and Decree against the defendant:-

A) to pay a sum of Rs.1,50,00,000/- towards the damages for loss of
reputation and embarrassment caused for its act of cancelling the power of
attorney, Rs.30,00,000/- being the escalation charges incurred by the
plaintiff, Rs.10,00,000/- being the value of damages caused by the
defendant and its henchmen to the flats when they try to take possession
forcibly without paying the dues to the plaintiff, Rs.36,36,701/- towards



plaintiff on behalf of the defendant in respect of flats allocated to the defendant, Rs.40,00,000/- towards refundable interest free security deposit paid by the plaintiff to the defendant at the time of entering the Agreement for Joint Venture and Development, in all comes to Rs.2,66,36,701/-.

B) To direct the defendant to pay interest at the rate of 18 percent per annum on Rs.36,36,701/- towards service charge and electricity service connection deposit paid by the plaintiff in respect of the flats allocated to the defendant as per the Allocation Agreement and Agreement for Joint Venture and Development from the date of plaint to till the date of realisation;

C) to direct the defendant to pay interest at the rate of 18 percent per annum on the refundable interest free security deposit of Rs.40,00,000/- paid by the plaintiff to the defendant as per the Agreement for Joint Venture and Development from the date of plaint to till the date of realisation;

D) to pay the cost of the suit to the plaintiff.

This Civil suit coming on this day before this court for hearing in the presence of Mr.S.Balasubramaniam, Advocate for the Plaintiff herein and Mr.T.G.Ravichandran, Advocate for the defendant herein and upon reading the plaint filed herein, and the learned counsel for the plaintiff seeks permission of this court to withdraw the suit,



it is ordered as follows:-

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That the Suit in C.S.No.986 of 2015 be and is hereby dismissed as withdrawn.

2. 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
12th DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//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.



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SK-27.08.2021

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C.S.No.986 of 2015

ORDER :-
DATED:12.08.2021

THE HON'BLE MR. JUSTICE
N.SESHASAYEE

FOR APPROVAL:27.08.2021

APPROVED ON: 31.08.2021



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DATED : 12.08.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.986 of 2015

M/s.Akrti Homes,
A registered Partnership firm,
Represented by its Partner Mrs.Sangeeta Mehta,
No.13/7, Dhandapani Street,
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Vs.

M/s.Vardhman Foundation Private Limited,
Represented by its Director Uthamchand Jain,
No.116, Lakshmanaswamy Salai,
K.K.Nagar, Chennai-600 078. ... Defendant

PRAYER : Civil Suit filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of Civil Procedure Code, prays for a Judgment and Decree against the defendant:-

(a) to pay a sum of Rs.1,50,00,000/- towards the damages for loss of reputation and embarrassment caused for its act of cancelling the power of attorney, Rs.30,00,000/- being the escalation charges incurred by the plaintiff, Rs.10,00,000/- being the value of damages caused by the defendant and its henchmen to the flats when they try to take possession forcibly without paying



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and electricity service connection deposit paid by the plaintiff on behalf of the defendant in respect of flats allocated to the defendant, Rs.40,00,000/- towards refundable interest free security deposit paid by the plaintiff to the defendant at the time of entering the Agreement for Joint Venture and Development, in all comes to Rs.2,66,36,701/-.

(b) To direct the defendant to pay interest at the rate of 18 percent per annum on Rs.36,36,701/- towards service charge and electricity service connection deposit paid by the plaintiff in respect of the flats allocated to the defendant as per the Allocation Agreement and Agreement for Joint Venture and Development from the date of plaint to till the date of realisation;

(c) to direct the defendant to pay interest at the rate of 18 percent per annum on the refundable interest free security deposit of Rs.40,00,000/- paid by the plaintiff to the defendant as per the Agreement for Joint Venture and Development from the date of plaint to till the date of realisation;

(d) to pay the cost of the suit to the plaintiff.



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For Plaintiff : Mr.S.Balasubramaniam

For Defendant : Mr.T.G.Ravichandran

JUDGMENT

The learned counsel for the plaintiff seeks permission of this Court to withdraw the suit.

2. In view of the submission made by the learned counsel for the plaintiff, this suit is dismissed as withdrawn. No costs.

3. The Registry is directed to refund the Court fee as per law.

Sd./-(N.S.S.J.)

12.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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