

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.7.2021.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.(NPD) No.3721 of 2016

and

C.M.P.No.18890 of 2016

Dr.R.Sujeer

Petitioner

vs.

D.Ashok Kumar

Respondent

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/60 as amended by Act 13 of 1973 against the decree and judgment dated 29.6.2016 in R.C.A.No.518 of 2008 on the file of the VII Court of Small Causes, Chennai dismissing the petitioner's appeal and confirming the decree and judgment dated 25.6.2008 in R.C.O.P.No.833 of 2007 on the file of XV Court of Small Causes, Chennai.

For Petitioner : Mr.T.Pramodkumar Chopda

For Respondents : Mr.S.Balasubramanian

ORDER

When the matter is taken up today, by producing a Joint Memo of Compromise dated 29.7.2021, it has been represented by the learned counsel appearing for both sides that the matter has been settled between the parties and they have also entered into a compromise whereby the revision petitioner/tenant had agreed to pay

a sum of Rs.4,80,000/- towards full and final settlement and differential fair rent for the period from 1st May 2007 to 31st May 2013.

2. The learned counsel for the petitioner, Mr.Pramodkumar Chopda submitted that the petitioner has already vacated and handed over possession of the premises to the respondent/landlord and in view of the settlement, it may be recorded that both the parties have no claims whatsoever and both the parties will not initiate any further proceedings against each other for recovery of any sums/rent in view of the joint memo of compromise.

3. The Joint Memo of compromise reads as under:-

"The petitioner/tenant and Respondent/Landlord above named collectively called "the parties"respectfully submit as follows:

1. The above Civil Revision Petition has been filed by the Petitioner/Tenant against the decree and judgment dated 29.6.2016 passed in RCA No.518 of 2008 by the learned VII Judge of Court of Small Causes, Chennai confirming the judgment and decree dated 25.6.2008 passed in RCOP No.833 of 2007 by the learned XV Judge of Court of Small

Causes, Chennai, fixing the fair rent at Rs.44,291/- per month for the petition premises under Section 4 of TNB(L&R) Act.

2. The parties after their submissions before this Hon'ble Court and put quietus to the issue agreed to settle the dispute between them mutually and arrived at an amicable settlement as under:

(a) The parties have agreed that the Petitioner/Tenant shall pay a sum of Rs.4,80,000/- (Rupees Four Lakhs Eighty Thousand only) (5,00,000-20,000) to the Respondent/Landlord towards full and final settlement of differential fair rent for the period 1st May 2007 to 31st May 2013.

(b) The Petitioner/Tenant has given the aforesaid amount of Rs.4,80,000 (Rupees Four Lakhs Eighty Thousand only) by cheque No.000700 dated 2.8.2021 drawn on HDFC Bank, in favour of D.Ashok Kumar, the Respondent/Landlord herein.

(c) The Respondent/Landlord on realization of the aforesaid amount by cheque shall not have any claims, rent whatsoever from the Petitioner/Tenant

in respect of the petition premises at any point of time.

3. The above joint memo is signed for and on behalf of the parties by their respective Counsel after obtaining their consent."

4. The Joint Memo of compromise is recorded.

5. The learned counsel for the petitioner would submit that the petitioner, in pursuance of the memo of compromise, had issued a post dated cheque bearing No.000700 dated 2.8.2021 drawn on HDFC Bank dated 2.8.2021 drawn in favor of the respondent/landlord D.Ashok Kumar and the petitioner undertakes that the cheque will be honoured on the date of its presentation.

6. The cheque so issued has been accepted by the learned counsel for the petitioner.

7. In view of the compromise entered into between the parties, the revision petition stands disposed of in terms of the compromise memo. The memo of compromise shall form part and parcel of the decree. No costs. The connected Miscellaneous Petition is closed.

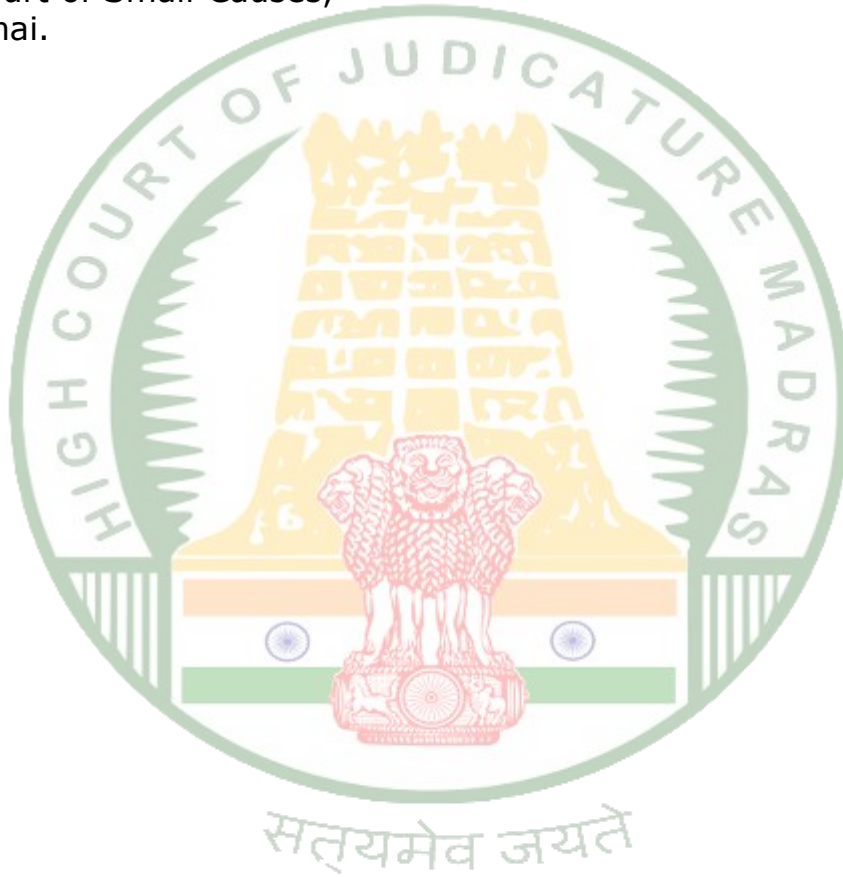
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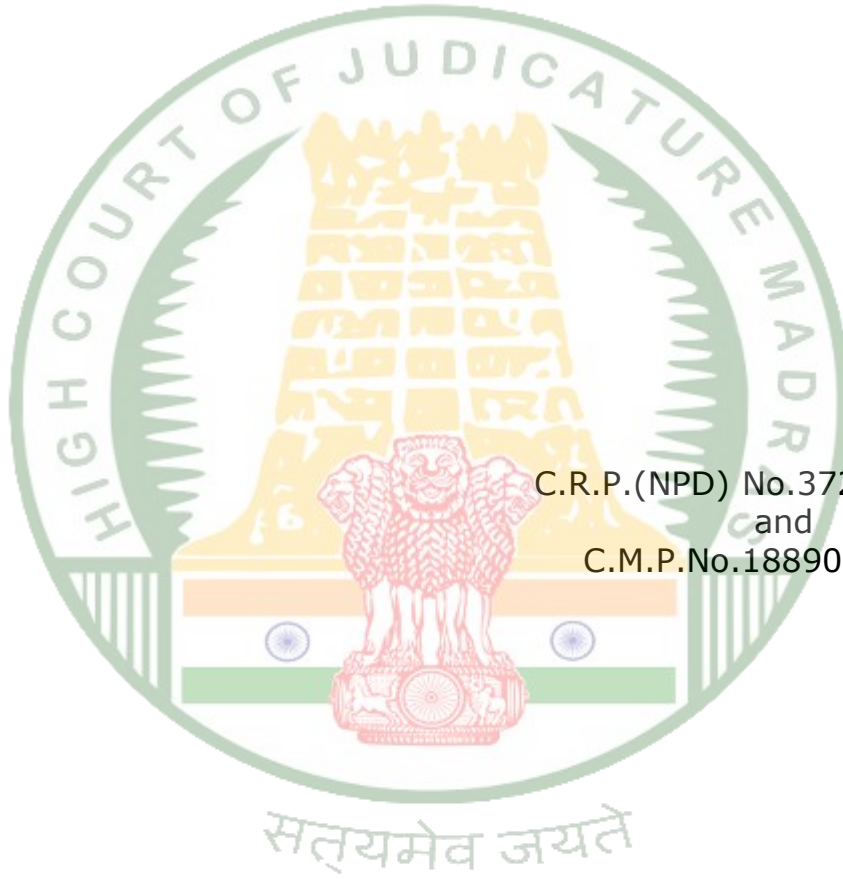
1. VII Court of Small Causes,
Chennai
2. XV Court of Small Causes,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

Ssk.



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