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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 26TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

C.S.No.570 of 2019

Nippon Enterprises (South),
Represented by Partnership J.P.Acharya,
24 & 25, Sivaganga Road,
Nungambakkam,
Chennai - 600 034.

... Plaintiff

-Vs-

1. GKS Realty (P) Ltd.,
Represented by Mr.K.V.Ramana Shetty,
No.3, Club Road, Chetpet,
Chennai - 600 031.

2. Mr.Shaik Kaleem
S/o S.A.Rahmatullah,
No.4, 6th Street Thirumurthy Nagar,
Chennai - 600 034.

3. Mr.S.R.Mohamed Wasim,
No.4, 6th Street Thirumurthy Nagar,
Chennai - 600 034.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a

judgement and decree :



(a) Declaring that the plaintiff is the sole and exclusive owner of the Suit property;

(b) Granting a permanent injunction restraining the Defendants, their Officers, managers, assigns, successors-in-interest, lessees, licensees, associates, representatives, agents, employees, etc. and/or any person or entity acting for them from interfering with or restricting the ownership rights, peaceful possession and enjoyment of the suit property by the Plaintiff in any manner.

(c) Costs of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Ms.L.Maithili, advocate for the plaintiff herein and Mr.T.M.Pappiah, advocate for the defendants herein and upon reading the plaint filed herein and joint memorandum of settlement signed by the plaintiff and the defendants and the learned counsels for the plaintiff and the defendants have admitted the settlement reached between the parties and this court doth recording the joint memorandum of settlement morefully setout in the schedule hereunder, **it is in terms thereof ordered and**



That the plaintiff herein, do pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the 2nd defendant herein.

2) That the aforesaid payment shall be made by a Demand Draft drawn in favour of Mr.Shaik Kaleem, S/o. S.A.Rahmatullah the 2nd defendant herein.

3) That on subject to the condition as mentioned above, the plaintiff herein, be and is hereby declared as sole and exclusive owner of the suit property morefully setout in the schedule hereunder.

4) That (1) GKS Realty (P) Ltd, Rep by Mr.K.V.Ramana Shetty, (2) Mr.Shaik Kaleem and (3) Mr.S.R.Mohammed Wasim, the defendant herein, their officers, manager, assigns, successors-in-interest, lessess, licensees, associates, representatives, agents, employees, etc., and/or any person or entity acting for them, be and are hereby restrained by an order of permanent injunction from interfering with or restricting the ownership rights, peaceful possession and enjoyment of the said suit property by the plaintiff in any manner.



5) That both the parties having agreed and acknowledged that this would constitute a full and final settlement, and neither party shall have any claim or demand, monetary or otherwise against each other.

6) That the plaintiff and the defendants 2 & 3 herein, shall jointly put up and aesthetically maintain the partition between the said suit property and the property belonging to the defendants herein, and/or their assigns / successors in interest.

7) That a certificate u/s 69 of Tamil Nadu Court Fees and suits Valuation Act XIV of 1955 do issue herein out of and under the seal of this Court in favour of Nippon Enterprises (South) rep.by J.P.Acharya, Partner, the plaintiff herein authorising him to receive from the Pay and Accounts Office, Chennai a sum of Rs.1,08,525/- (Rupees One Lakhs Eight Thousand Five Hundred and Twenty Five only) being the entire court fee paid on the plaint by the plaintiff herein.

SCHEDULE

20 feet common access road admeasuring an extent of 1 ground and 240 Square feet running North to South in the Eastern Side of piece and parcel of land and building situated at Door No.8A Tirumathi Nagar, 6th



Street, Nungambakkam, Madras 600 034 forming part of Old Survey Nos. 280 and 281 Re.Survey No.131/4, Block No.21 an extent of 4 Grounds and 99.5 Square feet and bounded on the ;

North by : Partly by Property in re-survey No.126 belonging to Taj Coramendel and partly by R.S.No.137/2

South by : Property in R.S.No.131/3 belonging to Rehamatullah

East by : Partly by property in R.S.No.131 part belonging to JP Acharya and partly by common access road

West by : Residential Apartments complex in R.S.No.132.

Situated within the Sub Registration District of Thousand Lights and Registration District of Central Madras.

SCHEDULE – JOINT MEMORANDUM OF SETTLEMENT



ED

02.11.2021

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C.S.No.570 of 2019

DECREE:

DATED : 26/10/2021

THE HON'BLE MR. JUSTICE
V. PARTHIBAN

FOR APPROVAL: 12/11/2021

APPROVED ON : 17/11/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

C.S.No.570 of 2019

Nippon Enterprises (South),
Represented by J.P.Acharya(Prtner)
24 & 25, Sivaganga Road,
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Chennai - 600 034.

3. Mr.S.R.Mohamed Wasim,
No.4, 6th Street, mThirumurthy nagar,
Chennai - 600 034.

... Defendants

Prayer:

Plaint filed under Order IV Rule 1 of Original Side Rules read with Order



that the plaintiff is the sole and exclusive owner of the Suit property; (b)

Granting a permanent injunction restraining the defendants, their Officers, representatives, agents, employees etc. and/or any person or entity acting for them from interfering with or restricting the ownership rights, peaceful possession and enjoyment of the suit property by the plaintiff in any manner (c) cost of the suit.

For Plaintiff : Ms.L.Maithili

For Defendants : Mr.T.M.Pappiah

ORDER

Heard Ms.L.Maithili, learned counsel for the plaintiff and Mr.T.M.Pappiah, learned counsel for the defendants.

2. A joint memorandum of settlement dated 26.10.2021 is filed and the same was duly signed by both, plaintiff and the defendants. The learned counsels for the plaintiff and the defendants have admitted the settlement reached between the parties.

Hence, the said joint memorandum of settlement is recorded.



3. Accordingly, the Suit is decreed in terms of the joint memorandum of settlement reached between the parties. The said joint memorandum of settlement shall form part of the decree. Registry is directed to refund necessary court fee as per the Rules in force.

Sd./- V.P.N.J.

26.10.2021

//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.