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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 3RD DAY OF SEPTEMBER 2021

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

C.S.(Comm.Div.)No.91 of 2018
& A.No.1151 of 2018

1. M/s.Allied Investments & Housing Private Limited,
Rep. by its Executive Director - Mr.Aslam Packeer Mohamed,
Citi Tower, V Floor, No.117, Thyagaraja Road,
T.Nagar, Chennai - 600 017.
Partner of M/s.Zenith Allied,
(An Unregistered Partnership Firm),
Having Office at Citi Tower, V Floor,
No.117, Thyagaraja Road, T.Nagar,
Chennai - 600 017.
 2. M/s.Zenith Real Estates,
Rep. by its Partner, Mr.P.H.M.Syed Ismail,
No.BS-17, Gems Court,
No.14, Khader Nawaz Khan Road,
Nungambakkam, Chennai - 600 006.
Partner of M/s.Zenith Allied,
(An Unregistered Partnership Firm),
Having Office at Citi Tower, V Floor,
No.117, Thyagaraja Road, T.Nagar,
Chennai - 600 017.
- ... Plaintiffs/Applicants

-Versus-

M/s.Sai Supreme Holdings Company Private Limited,
Rep. by its Director Mr.Dr.Ramnath Sri Ram,
Sai Ramnath House, Nos.15/13 & 15/15
Vazhudavur Road, Kurumbapet,
Pondicherry - 605 009.

... Defendant/Respondent

**C.S.(Comm.Div.)No.91 of 2018**

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Civil Suit praying that this Hon'ble Court be pleased to pass a Judgement and Decree in favour of the plaintiffs and against the defendant:

(a) Directing the Defendant to pay to the plaintiffs a sum of Rs.1,22,77,177/- (Rupees One Crore Twenty Two Lakhs Seventy Seven Thousand One Hundred and Seventy Seven only), together with interest at 18% thereon from the date of presentation of plaint till date of realization.

(b) Direct the defendants to pay the costs of the suit.

A.No.1151 of 2018

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondent to furnish security to the extent of Rs.1,22,77,177/- (Rupees One Crore Twenty Two Lakhs Seventy Seven Thousand One Hundred and Seventy Seven only) failing which, order attachment of the schedule mentioned property through District Court Villupuram pending disposal of the suit.

This Civil Suit along with the application coming on this day before this court for hearing in the presence of Mr.K.M.Aasim Shehzad, Advocate for the plaintiffs/applicants herein and Mr. Arun Karthik Mohan, Advocate for the defendant/Respondent herein and upon reading the plaint filed in C.S. 91 of 2018 and the Judge's Summon and the affidavit of Aslam Packeer Mohamed filed in A.No. 1151 of 2018 and this court having

observed that the parties have entered into a compromise, the said



compromise memo dated 01.09.2021 filed by the plaintiff indicates that the defendant as against the suit claim of Rs. 1,22,77,177/- has paid a sum of Rs. 80,00,000/- towards full and final settlement of all dues payable by way of demand draft on 25.08.2021 and the plaintiffs are not inclined to pursue the matter and wants to withdraw the suit as settled out of the court and refund the court fee paid by the plaintiffs and this court doth recording the same, **it is ordered as follows:-**

(i) That the Suit in CS (Comm.Div) No. 91 of 2018 be and is hereby dismissed as settled out of court.

(ii) That the certificate under section 69 of TamilNadu Court Fees and suits valuation Act XIV of 1955 do issue herein out of and under the seal of this court in favour of M/s. Allied Investments and Housing Private Limited rep. by its executive Director Mr. Aslam Packeer Mohamed and M/s. Zenith Real Estates Rep by its Partner P.H.M. Syed Ismail the plaintiffs herein authorising them to receive from the pay and Accounts Office, chennai a sum of Rs. 1,26,325/- (Rupees One Lakh Twenty Six thousand Three Hundred and Twenty Five Only) being the entire court fee paid on the plaint by the plaintiff herein

(iii) That there shall be no order as to costs in this suit.



(iv) That the A.No. 1151 of 2018 do stand closed.

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WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE
03RD DAY OF SEPTEMBER 2021

Sd/-
ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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17.11.2021

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C.S.(Comm.Div.)No.91 of 2018

& A.No.1151 of 2018

ORDER

DATED 03/09/2021

THE HON'BLE DR.JUSTICE

G.JAYACHANDRAN

FOR APPROVAL: 29/12/2021

APPROVED ON: 25/01/2022



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IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated: 03.09.2021

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.S.(Comm.Div.)No.91 of 2018
& A.No.1151 of 2018

1. M/s.Allied Investments & Housing Private Limited,
Rep. by its Executive Director - Mr.Aslam Packeer Mohamed,
Citi Tower, V Floor, No.117, Thyagaraja Road,
T.Nagar, Chennai - 600 017.
Partner of M/s.Zenith Allied,
(An Unregistered Partnership Firm),
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Rep. by its Partner, Mr.P.H.M.Syed Ismail,
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Partner of M/s.Zenith Allied,
(An Unregistered Partnership Firm),
Having Office at Citi Tower, V Floor,
No.117, Thyagaraja Road, T.Nagar,
Chennai - 600 017.

.. Plaintiffs

/versus/

M/s.Sai Supreme Holdings Company Private Limited,
Rep. by its Director Mr.Dr.Ramnath Sri Ram,
Sai Ramnath House, Nos.15/13 & 15/15
Vazhudavur Road, Kurumbapet,
Pondicherry - 605 009.

..Defendant



Prayer:- Civil Suit has been filed under Order IV Rule 1 of the Madras High Court Original Side rules read with Order VII Rule 1 of C.P.C, 1908, prayed for:-

(a). Directing the Defendant to pay to the plaintiffs a sum of Rs.1,22,77,177/- (Rupees One Crore Twenty Two Lakhs Seventy Seven Thousand One Hundred and Seventy Seven only), together with interest at 18% thereon from the date of presentation of plaint till date of realization.

(b) Direct the defendants to pay the costs of the suit.

For Plaintiffs : Mr.K.M.Aasim Shehzad

For Defendant : Mr.Arun Karthik Mohan

J U D G M E N T

The Suit is filed for recovery of money from the defendant arising from the commercial transaction namely Joint Venture Agreement entered between the parties on 29.01.2014, for the purpose of development of the land.

2. Pending suit, the parties have entered into a compromise. The said compromise, dated 01.09.2021, filed by the plaintiff indicates that, the defendant as against the suit claim of Rs.1,22,77,177/-, has paid a sum of

Rs.80,00,000/- towards full and final settlement of all dues payable by way



of demand draft. Therefore, the plaintiffs are not inclined to pursue the matter and wants to withdraw the suit as settled out of Court.

3. Recording the same, the Suit is dismissed as settled out of Court. The plaintiffs shall be entitled for refund of Court fees in accordance with law. No order as to costs. Consequently, connected application is closed.

Sd/- G.J.J.
03/09/2021

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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