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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

A.S.No.767 of 2014 and
M.P.No.2 of 2014

M/s.Lachmi Narayan Electricals
Registered Partnership Firm,
Rep by its Partners
Hari Khemchand & Divya Hari

...Appellant/Plaintiff

Vs

1.M/s.Nithyadhan Properties Pvt. Ltd.,
2.Shantha Dharman
3.Manoj Thandassery Dharman
4.Sajan Thandassery Dharman
5.Suraj Thandassery Dharman

...Respondents/Defendants

PRAYER Appeal Suit filed under Section 96 of the Code of Civil Procedure to set aside the decree and judgment dated 30.07.2014 passed in O.S.No.542 of 2010 on the file of the I Additional District Court, Coimbatore.

For appellant : Mr.M.Aravind Subramaniam

For respondents : Mr.C.Mouli or R1, R2 & R5
No appearance for R3 & R4

JUDGMENT

The memo has been filed stating that the respondents 1, 2 and 5 are willing to comply with the judgment and decree in O.S.No.542 of 2010 dated 30.07.2014 passed by the learned I Additional District Judge, Coimbatore and also that they are entitled to claim arrears of rent till the appellant vacate the premises. The issue of arrears of rent is not found in the subject matter of the suit.

2.The learned counsel for the appellant would submit that on receipt of the money, his client shall hand over the possession of the said property.



3. Recording the said memo and considering the fact that the memo has been filed stating that the respondents 1, 2 and 5 are willing to return the amount as per the judgment and decree, the First Appeal is allowed with the following terms:-

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(a) that the respondents 1, 2 and 5 shall comply with the judgment and decree in O.S.No.542 of 2010 dated 30.07.2014 passed by the learned I Additional District Judge, Coimbatore, within a period of two months from the date of receipt of a copy of this order.

(b) On such payment made by the respondents 1, 2 and 5, the appellant shall hand over the vacant possession of the suit properties.

4. Consequently, connected Miscellaneous Petition is closed. No further orders to cost.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

vkx

To

The I Additional District Judge,
Coimbatore.

Copy to:

The Section Officer,
V.R. Section,
High Court, Madras.

+1CC to Mr.M.Aravind Subramaniam, Advocate, Sr.No.50796

+1CC to Mr.L.Mouli, Advocate, Sr.No.51178

A.S.No.767 of 2014 and
M.P.No.2 of 2014

RGN (CO)

K.RK. (30.11.2021)