



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.523 of 2016

T.Jayakumar,
S/o. Mr.S.Thirunavukarasu,
Old No.3, New No.7, Thiruvalluvar Pet Street,
Mandaveli,
Chennai - 600 028.

... Plaintiff

versus

1. M.Bhakthavachalam,
S/o. Late Mr. M.Achanna Chettiar,

2. Ammavathi Bhakthavachalam,
W/o. Mr. M.Bhakthavachalam,

3. C.H.Sarojini Ammal, ***(deceased)**
D/o. Late Mr. M.Achanna Chettiar,

All are residing at New Door No.15,
Beemanna 2nd Street,
Alwarpet, Chennai - 600 018.

***(2nd Defendant as legal heirs of the deceased**
3rd defendant as per order dated 19.02.2021
in A.No.447 of 2021]

... Defendants



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Civil Suit praying that this Hon'ble Court be pleased to pass a decree and judgment

a) Directing the First Defendant to specifically perform his obligation under the Registered Agreement of Sale dt. 13.06.2013 by receiving the balance sale consideration of Rs.1,09,00,000/- (Rupees One Crore Nine Lakhs Only) from plaintiff and execute and cause Registration of a Sale deed in respect of the suit property in favour of the Plaintiff or his nominee within the time frame to be fixed by this Hon'ble Court and direct Ist defendant to deliver possession of the suit property to the plaintiff.

b) On failure of said specific performance by the First Defendant, this Hon'ble Court may be pleased to pass appropriate directions for executing and Registering a Sale deed in favour of the plaintiff or his nominee through the process of this Hon'ble Court.

c) For a permanent injunction restraining the Defendants, their men, agents, servants or any one acting on their behalf from selling, alienating and transferring to any third person/persons of the suit property more fully described in the schedule hereunder.



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d) To direct the defendant to pay the costs of the suit.

This civil suit coming on this day before this court for hearing in the presence of Mr. A.R.Ramanathan, Advocate for the plaintiff herein and Mr. K.S.Narayanan, Advocate for the defendants herein and upon reading the plaint filed herein and the learned counsel for the plaintiff herein having submitted that the matter has been settled out of Court between the parties and he has also made an endorsement on the plaint stating that “The matter is settled out of court between parties to the suit. Hence it is prayed that the suit may be disposed of as settled. It is also prayed that full court fee paid may be refunded under Section 69 of TNCFSV Act directly to plaintiff & oblige”, **it is ordered as follows:-**

That the suit in C.S.No.523 of 2016 be and is hereby dismissed as settled out of Court.

2) That a certificate under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955 (Amended Act), do issue herein, out of and under the seal of this Court in favour of Mr. T.Jayakumar, the plaintiff herein, authorising him to receive from the pay and Accounts Office, High Court, Chennai, a sum of Rs.1,18,602/- (Rupees One Lakh

Eighteen Thousand Six Hundred and Two only) being the entire Court fee



paid on the plaint by the plaintiff herein.

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3) That there shall be no order as to costs.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 21ST DAY OF MARCH 2022.

Sd/-

ASSISTANT REGISTRAR(O.S.I)

//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.



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25.04.2022

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C.S.No.523 of 2016

ORDER

DATED : 21.03.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL : 26.04.2022

APPROVED ON : 27.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.523 of 2016

T.Jayakumar

... Plaintiff

Vs.

1. M.Bhakthavachalam
2. Ammavathi Bhakthavachalam
3. C.H.Sarojini Ammal (deceased)

[2nd defendant as legal heirs of the deceased
3rd defendant as per order dated 19.02.2021
in A.No.447 of 2021]

... Defendants

Plaint filed under Order VII Rule 1 of CPC read with Order IV Rule 1
of High Court O.S. Rules, praying for a judgment and decree as follows :

a) directing the first defendant to specifically perform his obligation
under the Registered Agreement of Sale dated 13.06.2013 by receiving the
balance sale consideration of Rs.1,09,00,000/- from plaintiff and execute
and cause Registration of a Sale deed in respect of the suit property in



possession of suit property to the plaintiff.

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b) On failure of said specific performance by the 1st defendant, this Court may be pleased to pass appropriate directions for executing and Registering a Sale deed in favour of the plaintiff or his nominee through the process of this Court.

c) For a permanent injunction restraining the defendants, their men, agents, servants or any one acting on their behalf from selling, alienating and transferring to any third person/persons of the suit property more fully described in the schedule of property.

d) To direct the defendant to pay the costs of the suit.

For Plaintiff : Mr.A.R.Ramanathan

For Defendants : Mr.K.S.Narayanan

JUDGMENT

The learned counsel for the plaintiff would submit that the matter has been settled out of Court between the parties. He has also made an endorsement in the bundle to the following effect :



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“The matter is settled out of court between parties to the suit. Hence it is prayed that the suit may be disposed of as settled. It is also prayed that full court fee paid may be refunded under Section 69 of TNCFSV Act directly to plaintiff.”

2. In view of the above submission and endorsement made by the learned counsel for the plaintiff, this Civil Suit is dismissed as settled out of Court.

3. The Registry is directed to refund the court fee directly to the plaintiff. There shall be no order as to costs.

Sd/-V.B.S.J.
21.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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