



C.S.Nos.84, 85 & 86 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.Nos.84, 85 & 86 of 2019

C.S.No.84 of 2019

M/s.Lazer Housing LLP
Represented by is Managing Partner,
Tarachand Dugar,
Having registered Office at :
VII Floor, Eastern Wing,
'Dugar Towers', No.34,
Marshalls Road, Egmore,
Chennai – 600 008.

... Plaintiff

Vs

M/s.Viswakarma Agencies Pvt. Ltd.,
Represented by its Director,
Goutham Chand Bafna,
Having Office at : No.80, EVK Sampath Road,
Vepery, Chennai – 600 007.

... Defendant

Civil Suit filed under Order IV Rule 1 of the High Court O.S. Rules
1956 read with Order VII Rule 1 of Civil Procedure Code, 1908 for the
following decree and judgment :

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a] directing the defendant to pay the plaintiff a sum of Rs.1,11,08,000/- [Rupees One Core Eleven Lakhs Eight thousand only] being the advance amount received under the Registered Sale Agreement dated 20.04.2007 together with interest at the rate of 18% per annum from the date of realization on Rs.30,00,000/-.

b] directing the defendant to pay the costs.

C.S.No.85 of 2019

M/s.Lazer Housing LLP
Represented by is Managing Partner,
Tarachand Dugar,
Having registered Office at :
VII Floor, Eastern Wing,
'Dugar Towers', No.34,
Marshalls Road, Egmore,
Chennai – 600 008.

... Plaintiff

Vs

Shoba Bai

... Defendant



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Civil Suit filed under Order IV Rule 1 of the High Court O.S. Rules 1956 read with Order VII Rule 1 of Civil Procedure Code, 1908 for the following decree and judgment :

a] directing the defendant to pay the plaintiff a sum of Rs.1,11,08,000/- [Rupees One Core Eleven Lakhs Eight thousand only] being the advance amount received under the Registered Sale Agreement dated 20.04.2007 together with interest at the rate of 18% per annum from the date of realization on Rs.30,00,000/-.

b] directing the defendant to pay the costs.

C.S.No.86 of 2019

M/s.Lazer Housing LLP
Represented by is Managing Partner,
Tarachand Dugar,
Having registered Office at :
VII Floor, Eastern Wing, 'Dugar Towers',
No.34, Marshalls Road, Egmore,
Chennai – 600 008.

... Plaintiff

Vs

1. Shoba Bai
2. Vineet Bahfna
3. V.Sonal Bafna



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4. V.Vaishali Bafna

5. V.Shreya Bafna

... Defendants

Civil Suit filed under Order IV Rule 1 of the High Court O.S. Rules 1956 read with Order VII Rule 1 of Civil Procedure Code, 1908 for the following decree and judgment :

a] directing the defendant to pay the plaintiff a sum of Rs.1,48,10,668/- [Rupees One Core forty eight lakhs ten thousand six hundred and sixty eight only] being the advance amount received under the Registered Sale Agreement dated 20.04.2007 together with interest at the rate of 18% per annum from the date of realization on Rs.40,00,000/-.

b] directing the defendants to pay the costs.

d] Costs of the suit

For Plaintiffs : Mr.B.Arvind Srevatsa
[in ll suits]

For defendants : Mr.P.Sunil
[in all suits]

COMMON JUDGMENT



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These suits have been filed for recovery of a sum of Rs.1,11,08,000/-, Rs.1,11,08,000/- and Rs.1,48,10,668/- respectively being the advance amounts received under three registered Sale Agreements dated 20.04.2007 together with interest at the rate of Rs.18% per annum from the date of the plaint till the date of realisation on Rs.30,00,000/-, Rs.30,00,000/- and Rs.40,00,000/- respectively.

2. The plaintiffs in all the suits are one and the same. The defendant in C.S.No.85 is the wife of one Vijayakumar Bafna and he was a Director of Viswakarma Agencies Private Limited, which is the sole defendant in C.S.No.84 of 2019. Similarly, the defendants in C.S.No.86 of 2019 are the legal heirs of the said Vijayakumar Bafna. The suits have been filed for recovery of the advance of sale consideration paid by the plaintiff.

3. The case of the plaintiff is that M/s.Viswakarma Agencies Private Limited represented by Vijayakumar Bafna entered in to three registered agreements for sale on 20.04.2007 to a total extent of land admeasuring 81.98 acres and for a total sale consideration of Rs.1,00,00,000/-. In



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C.S.Nos.84 & 85 of 2019, the advance amount given is Rs.30,00,000/- and Rs.30,00,000/- and in C.S.No.86 of 2019, the advance amount given is Rs.30,00,000/-. However, the sale has not been fructified on account of certain issues with regard to change of patta. Hence, the suit has been filed for recovery of money. Though different suits have been filed, since the defendants are the legal heirs of the Vijayakumar Bafna, during submissions the defendants admitted to pay a sum of Rs.1,10,00,000/- in full quit in all the three suits. An affidavit has been filed by the defendants before this Court to that effect. Mr.Arvind Srivatsa, the learned counsel appearing for the plaintiff also agreed to receive the amount in full quit in all the three suits.

4. Since the plaintiffs and the defendants have agreed for settlement, this Court is of the view that without going into the issues framed, the suits shall be disposed of on the basis of the admissions made by both sides under Order 12 Rule 6 of CPC. The affidavit filed by the defendants is taken on



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record. The defendant in C.S.No.85 of 2019 and second defendant in C.S.No.86 of 2019 are present before this Court.

5. Accordingly, the suits are decreed as follows :

[i] The suit in C.S.No.84 of 2019 is decreed for a sum of Rs.33,00,000/- [Rupees thirty three lakhs only] in full quit.

[ii] The suit in C.S.No.85 of 2019 is decreed for a sum of Rs.33,00,000/- [Rupees thirty three lakhs only] in full quit.

[iii] The suit in C.S.No.86 of 2019 is decreed for a sum of Rs.44,00,000/- [Rupees forty four lakhs only] in full quit.

[iv] The registry is directed to draft separate decree for each suit in the above terms.

[v] It is also agreed between the parties that the entire amount will be paid on or before 31.01.2024. If the amount is not paid by the defendants on or before 31.01.2024 as undertaken before this Court, the said sum of Rs.1,10,00,000/-



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shall carry interest at the rate of 12% per annum besides there shall be a charge over the property morefully set out in the schedule. After payment of the entire amount, the plaintiff shall cancel all the registered agreements.

[v] The counter claims made by the defendants in all the suits are dismissed.

[vi] Considering the nature of submissions made, there shall be no Order as to costs.

07.12.2023

vrc

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

Plaintiff side Witnesses :

P.W.1 Mr.N.Tarachand Dugar [in all 3 suits]

Plaintiff Side documents : [in all 3 suits]

Ex.P.1 Certified copy of the Certificate of Registration on Conversion of plaintiff dated 21.04.2015

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Ex.P.2 Original Registered Sale Agreement entered into between the plaintiff and the defendant 20.04.2007

Ex.P.3 Letter sent by the plaintiff to the defendant dated 11.04.2018

Ex.P.4 Reply sent by the defendant to the plaintiff dated 28.05.2018.

Defendant Side Witness : [in all 3 suits]

D.W.1 Mr.Vineet Bafna

Defendant Side Exhibits :

Ex.D.1 Legal notice sent by the defendant to the plaintiff dated 10.04.2023

Ex.D.2 Legal Notice sent by the defendant to the plaintiff dated 18.08.2023

Ex.D3 Legal notice sent by the plaintiff to the defendant dated 25.07.2023

Ex.D.4 Copy of the sale deed dated 31.01.2001 executed in favour of the defendant company

Ex.D5 Copy of the Patta bearing No.396 dated 28.09.2001 issued by the Tahsildar

Ex.D6 Copy of the patta bearing No.633 dated 03.04.1980 issued by the Tahsildar

Ex.D7 Copy of the patta bearing No.630 dated 03.04.1980 issued by



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the Tahsildar

- Ex.D8 Copy of the patta bearing No.387 dated 28.09.2001 issued by the Tahsildar
- Ex.D9 Copy of the Sale Deed dated 31.01.2011 executed in favour of Mr.S.Vijai Kumar Bafna
- Ex.D10 Copy of the Sale Deed dated 31.01.2001 executed in favour of Mrs.V.Shoba Bai
- Ex.D11 Copy of the patta bearing No.631 dated 0304.1980 issued by the Tahsildar
- Ex.D12 Computer generated Lakshmi Vilas Bank Statement of Mr.S.Vijai Kumar Bafna for the period from 01.12.2006 to 30.04.2007
- Ex.D.13 Income Tax Returns of Mrs.S.Vijai Kumar Bafna for the assessment year 2008 – 2009
- Ex.D.14 Copy of the acknowledgment issued by the Income Tax Department for profit and Loss Statement of Vijai Kumar Bafna for the assessment year 2006 – 2007
- Ex.D.15 Copy of the proceedings dated 21.08.1978 issued by the District Revenue Officer, Kancheepuram
- Ex.D.16 Computer generated Date of M/s.Viswakarma Agencies Private Limited.



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N.SATHISH KUMAR, J.

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