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C.R.P.No.2438 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2438 of 2016
and C.M.P.Nos.12584 & 20221 of 2016

1. B.M.Purnachandran
2. M/s.Savita Estates & Builders (P) Ltd.,
by Director M.P.Sai Chandan,
No.218, First Street F Block,
Anna Nagar East,
Chennai – 600 102.

... Petitioners

Vs.

1. N.Nagesh
2. Dhanalakshmi
3. B.Hariram
4. B.Raghuram

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District Court, Niligiris at Udhagamandalam to number the E.A.SR.No. in E.P.No.9 of 2005 in O.S.No.95 of 2004 on its file.

For Petitioner	: Mr.P.Valliappan For Mr.N.Manokaran
For Respondents	
For R1	: Mr.S.Sabarish For Mr.S.Kingston Jerold
For R2 to R4	: Ms.N.Alamelumangai



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ORDER

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This Civil Revision Petition has been filed to direct the learned District Judge, Nilgiris at Udthagamandalam to number the E.A.SR.No. in E.P.No.9 of 2005 in O.S.No.95 of 2004 on its file.

2. While pending this Civil Revision Petition, the parties are entered into compromise and they settled the issue amicably. A Joint Memo of Compromise, dated 04.01.2023, filed before this Court which has been signed by the petitioners and the first respondent and also by their respective counsel. It is relevant to extract the joint memo as follows :-

“1. Whereas one L.Nanjiah had filed the captioned suit in O.S.No.66 of 2003, before the Subordinate Judge's Court of the Nilgiris at Ootacamund against one N.Balraj for passing a preliminary mortgage decree directing payment of a sum of Rs.1,06,68,142/- with interest on Rs.66,00,000/- at the rate of 24% per annum.

2. Whereas the captioned suit was decreed exparte on 04.09.2003.

3. Whereas the captioned suit was later renumbered as O.S.No.95 of 2004.



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4. *Whereas a final decree was passed in the captioned suit on 03.12.2004.*

5. *Whereas after death of the plaintiff L.Nanjiah, the 1st respondent being his son was brought on record.*

6. *Whereas on the death of the defendant N.Balraj, the respondents 2 to 4, being his legal representatives, were brought on record.*

7. *Whereas, the petitioners filed suit in O.S.No.41 of 2007, before the District Court of the Nilgiris at Ootacamund for the relief of specific performance.*

8. *Whereas the respective parties settled the dispute in the afore-said suit in O.S.No.41 of 2007, before the District Court of the Nilgiris at ootacamund, amongst themselves by entering into a Memo of Compromise on 22.12.2022 and accordingly, a Compromise Decree was passed on 23.12.2022.*

9. *Whereas, as per the said compromise decree, the petitioners had paid a sum of Rs.90,00,000/- (Rupees ninety lakhs only) to the 1st respondent N.Nagesh, the 1st respondent N.Nagesh relinquished the decree obtained by him in the captioned suit in O.S.No.95 of 2004, on the file of the District Judge's Court of the Nilgiris at Ootacamund, the respondents 2 to 4 were directed to execute Sale Deed*



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in favour of the 2nd plaintiff's sister concern viz., Messrs BMP Green Gardens India (P)Ltd., and the 1st respondent was directed to hand over the original parent documents in respect of the Suit Property to the petitioners.

10. For all the reasons stated supra, it is prayed that this Hon'ble Court may be pleased to allow the captioned Civil Revision Petition in terms of this Memo of Compromise by confirming the Decree dated 23.12.2022 made in O.S.No.41 of 2007 on the file of the District Court of the Nilgiris at Ootacamund and consequently direct the District Judge's Court of the Nilgiris at Ootacamund to forthwith return the original parent documents, pertaining to the suit property to the 1st petitioner and thus render justice”

3. Recording the above joint memo of compromise, the Civil Revision Petition stands disposed of. The terms of the Joint Memo of compromise dated 04.01.2023 shall form part and parcel of the order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

09.01.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

1. The District Judge,
Nilgiris,
Ootacamund.



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G.K.ILANTHIRAIYAN, J.

rts

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