



C.S.(Comm.Div.)No.35 of 2021 & Tr.C.S.No.29 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.(Comm.Div.)No.35 of 2021
and
Tr.C.S.No.29 of 2022
and A.Nos.2680 and 3178 of 2021

[C.S.(Comm.Div.)No.35 of 2021]

M/s.Trinethra Housing Projects Pvt. Ltd.,
Rep. By its Director
2/30, Railway Colony 2nd Street,
Nelson Manickam Road,
Chennai -600029

...Plaintiff

Vs.

1.V.Anjanaya Prasad [Deceased]

*[Amended as per order dated 14.01.2022 on memo in
C.S.(Comm).No.35/2021]*

2.V.Harish Prasad

3..Mrs.Parvathaneni Shalini Kumar (Since Deceased)

4.Mr. Parvathaneni Bhaskar Kumar

5.Sawan Kumar Parvathaneni

...Defendants

[3rd defendant impleaded as per order dated 28.09.2021 in A.No.3177/21]

[The 4th and 5th defendants are brought on record as LR's of the deceased
3rd defendant, as per the order in Appl.No.4469/2022 dt.27.10.2022]



[Tr.C.S.No.29 of 2022]

1.Mrs.V.Kamala Kumari (Since Deceased)
2.V.Anjanaya Prasad
3.Mrs.Parvathaneni Shalini Kumar (Since Deceased)
4.V.Harish Prasad
5.Parvathaneni Bhaskar Kumar
6.Sawan Kumar Parvathaneni ...Plaintiffs

Vs.

M/s.Trinethra Housing Projects Pvt. Ltd.,
Rep. By its Director
2/30, Railway Colony 2nd Street,
Nelson Manickam Road,
Chennai -600029 ...Defendant

[Plaintiffs 2, 3 and 4 are impleaded as per order in A.No.3/2019 dated 19.01.2021]

[Plaintiffs 5 and 6 brought on record as Lrs of the deceased 3rd plaintiff as per the order dated 14.12.2022 in A.No.5310/2022]

PRAYER in C.S.(Comm.Div).No.35 of 2021 : Plaintiff is filed under Under Order IV Rule 1 of Rules of Original Side Rules, read with Order VII, Rule 1, C.P.C. praying for:-

a) Directing the defendants to pay sum of Rs.2,00,00,000/- towards the principal amount and Rs.3,78,00,000/- as accrued interest totaling Rs.5,78,00,000/- together with 18% interest per annum on the principal sum of Rs.2,00,00,000/- from the date of the plaint till the date of realization.



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b) Directing the defendants to pay further sum of Rs.35,28,000/- paid to the security agency from 01.01.2011 to 30.06.2021.

c) Directing the defendants to pay further sum of Rs.50,00,000/- claimed towards mental agony, hardship and towards damages incurred by the plaintiff due to non performance of the defendants in honouring their commitment as per Joint Venture Agreement dated 08.12.2010.

d) Costs of the suit;

e) Pass such further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : M/s.V.Srinivasa Babu

For Defendants : Mr.K.C.Ramamurthy [D2, D4 & D5]
D1 and D3 [died]

PRAYER in Tr.C.S.No.29 of 2022 : Plaint is filed under Under Order VII Rule 1 CPC and Order IV Rule 1 of Rules of the High Court, Madras Original Side 1956, praying for:-

a) for a declaration that the Joint Venture Agreement dated 08.12.2010 entered into between the Plaintiff and the Defendant stands terminated due to the breach committed by the Defendant in not performing the terms of the Joint Venture Agreement dated 08.12.2010.



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b) For the costs of the Suit;

c) and for such further or other reliefs as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

For Plaintiffs : Mr.K.C.Ramamurthy

For Defendant : M/s.V.Srinivasa Babu

COMMON JUDGMENT

The plaintiff [in **C.S.(Comm.Div.)No.35 of 2021** and Defendant in **Tr.C.S.No.29 of 2022**] and the defendants 2, 4 & 5 [in **C.S.(Comm.Div.)No.35 of 2021** and Plaintiffs in **Tr.C.S.No.29 of 2022**] have entered into a compromise which has been reduced into writing in a Joint Memo of Compromise dated 26.06.2023. Both the parties have appeared in person before this Court. The Joint Memo of Compromise is signed by the plaintiff and the defendants and also by their respective counsels. The said Joint Memo of Compromise dated 26.06.2023 is taken on file.



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2. Accordingly, the above Suits are decreed in terms of the Joint

Memo of Compromise dated 26.06.2023. The terms of Joint Memo of Compromise signed by the plaintiff and the defendants shall form part and parcel of this judgment and decree. Consequently, connected applications are closed. No Costs.

10.07.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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P.T. ASHA, J,



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