



WEB COPY



OSA No. 303 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Original Side Appeal No. 303 of 2022
and
C.M.P. No. 20571 of 2022

1. P.J. Ramu
2. P.V. Rajkumar
3. V. Malathi
4. Pushpalatha

.. Appellants

Versus

1. Kaaviya Properties
represented by its Managing Director
Mr. R. Ramesh
Son of Late. B. Renganathan
having its registered office at
1B, Casa Blanca II
No.16, Fredrick Avenue, Thirumoorthy Nagar
Nungambakkam, Chennai - 600 034
2. Chennai Metro Rail Limited
represented by its District Revenue Officer (Land Acquisition)
having its registered office at
Chennai Metro Rail Limited
Koyambedu, Chennai - 600 107

.. Respondents

Original Side Appeal filed under Order XXXVI Rule 11 of Original Side Rules read with Clause 15 of the Letters Patent against the Order dated 18.04.2022 passed by the learned Judge in Application No. 718 of 2022 in Civil Suit (Diary) No. 97887 of 2021.



OSA No. 303 of 2022

For Appellants : Mr. A. Palaniappan
for Mr. M. Devaraj

For Respondents : Mr. Avinash Wadhwani
for Ms. V. Srimathi for R1

Mr. G. Sankaran, Standing counsel for R2

JUDGMENT

(Judgment of the Court was delivered by **R.MAHADEVAN, J**)

The first respondent herein / plaintiff has filed a Civil Suit (Diary) No. 97887 of 2021, against the appellants / defendants to grant a decree for specific performance of the agreements dated 14.12.1998 and 11.02.2002 by executing a sale deed in their favour, in default, direct the court to execute the document for and on behalf of the defendants; or in the alternative, direct the defendants to pay a sum of Rs.6,41,80,757.40 (towards sale consideration of Rs.2,09,27,406/- and Rs.4,32,53,351.40 towards interest at 18% thereon) and further interest at 18% on Rs.6,41,80,757.40 from the date of presentation of the plaint till the date of realisation. Along with the plaint, the first respondent / plaintiff has preferred an application in A.No.718 of 2022, seeking leave of this court to institute the said suit.

2.By order dated 18.04.2022, the learned Judge has allowed the aforesaid application, thereby granting leave to the first respondent / plaintiff



OSA No. 303 of 2022

to file the suit, stating that a part of cause of action has arisen within the jurisdiction of this court. Aggrieved by the same, the appellants / defendants have preferred this original side appeal.

3. During the pendency of the appeal, the CS (Diary) No.97887 of 2021 was numbered as CS. No.87 of 2022. By order dated 30.11.2022, this court has granted an order of interim stay until further orders.

4. Today, when the matter was taken up for consideration, the learned counsel appearing for the appellants as well as the first respondent, jointly submitted that the parties have resolved the disputes between themselves and the compromise arrived at, has been crystallised in writing by way of a memorandum of compromise dated 09.10.2023. It is also submitted that the appellants have no claim as against the second respondent herein / Chennai Metro Rail Limited. In support of the same, the said compromise memo executed by all the contesting parties to the suit, has been filed to the Registry on 12.10.2023.

5. In view of the above, this original side appeal stands disposed of, in terms of the compromise entered into between the parties. The memorandum



OSA No. 303 of 2022

of compromise dated 09.10.2023, signed by all the contesting parties along

with their respective counsel, shall form part of this order. No costs.

Consequently, connected miscellaneous petition is closed.

(R.M.D., J) (M.S.Q., J)

17.10.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non-Speaking Order

rsh



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OSA No. 303 of 2022

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and
MOHAMMED SHAFFIQ, J

rsh /av

OSA No. 303 of 2022

17.10.2023