



C.R.P.No.3001 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.3001 of 2021 and
C.M.P.No.21351 of 2021

1. Sudesh Kumar (died)
2. Hitesh Kumar Grover
3. Jyothi Sahani
4. Jitesh Kumar Grover
(Petitioners 2 to 4 brought on record as
LRs of the deceased petitioner Sudesh Kumar
vide court order dated 08.08.2023 in CMP No.
13998/23 in CRP No.3001 of 2021)

... Petitioners

Vs.

1. S.N.S.Ali Asgar
2. S.N.S.Ayub Khan
3. S.N.S.Nazir Hussain
Rep. by power of attorney holders
i) K.A.Shaik madar and
ii) K.S.Abul Hasan

- Prayesh Kumar (Dceased)
4. Usha Rani
 5. Girish Grover
 6. Gaurav Grover



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7. Geetha Sharma

... Respondents

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PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decreetal order dated 25.10.2021 passed in RCA.No.377 of 2019 by the VIII Small Causes Court, Chennai confirming the order fixing the fair rent under section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1073 passed by the Xth Small Causes Court, Chennai in R.C.O.P.No.428 of 2015.

For Petitioners : Mr.R.Agilesh

For Respondents 1 to 3 : Mr.K.Ayub Khan

For Respondents 4 to 7 : Mr.G.Anbumani

ORDER

The parties have entered into compromise dated 07.09.2023. The Joint Compromise memo reads as follows:

"JOINT MEMORANDUM OF COMPROMISE"

This Joint Memorandum of Compromise is entered into at Chennai on this the 7th day of September, 2023

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BETWEEN

(1) Mr.Hitesh Kumar Grover, son of Late. Mr.Sudesh Kumar, Hindu aged about 54 years, **(2) Ms.Jyothi Sahani**, Daughter of Late. Mr.Sudesh Kumar, Hindu aged about 50 years and **(3) Mr.Jitesh Kumar Grover**, Son of Late.Mr.Sudesh Kumar Grover, Hindu, aged about 46 years, being the Legal Representatives of Late.Mr.Sudesh Kumar, at Shop Nos.2 and 24, New Door No.107, Old Door No.6, General Patters Road, Mound Road, Chennai-600 002, hereinafter called the '**PARTIES OF THE FIRST PART/PETITIONERS**'.

AND

(1) Mr.S.N.S.Ali Asgar, **(2) Mr.S.N.S.Ayub Khan**, **(3) Mr.S.N.S.Al Nazir Hussain**, represented by their Power of Attorney Holders **Mr.K.A.Shaik Madar**, Son of Mr.K.S.Abuthalib, Muslim, aged about 70 yeas, and **Mr.K.S.Abdul Hasan**, son of Mr.K.A.Shaik Madar, Muslim aged about 30 years, both at 102/158, Portugese Church Street, Chennai-600 001, hereinafter called the '**PARTIES OF THE SECOND PART/RESPONDENTS 1 TO 3**'.



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AND

(1) MRS.USHA RANI, Wife of Late. Mr.Pravesh Kumar, **(2) Mr.Girish Grover**, Son of Late. Mr.Pravesh Kumar, **(3), Mr.Gaurav Grover**, Son of Late.Mr.Pravesh Kumar, and **(4) Mrs.Geetha Sharma**, Daughter of Late. Mr.Pravesh Kumar, all of them at No.21, Venkatesa Naicket 2nd Street, Chennai-600 002, hereinafter called the '**PARTIES OF THE THIRD PART/RESPONDENTS 4 TO 7**'

WHEREAS the entire premises bearing New Door no.107 and Old Door No.6, General Patters Road, Chennai- 600 002 is owned absolutely by the **PARTIES OF THE SECOND PART**, and

WHEREAS the portion of the said premises identifiable as Shop No.2 in the Ground Floor and Shop No.24 in the First Floor was occupied by the firm of the father of the **PARTIES OF THE FIRST PART** as a tenant carrying on business under the name and style of 'Sudesh Brothers' and had been paying rent for the said 2 shops occupied by them @ Rs.6,989/- per month, and

WHEREAS the **PARTIES OF THE SECOND PART** filed



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*R.C.O.P.No.428 of 2015 on the file of the X Judge, Court of Small Causes at Chennai, on 02.03.2015 for fixation of fair rent, and **WHEREAS** the said R.C.O.P. was allowed by the said Court by its order dated 30.09.2019 fixing Rs.1,08,928/- as the fair rent for the petition premises from the date of petition, and*

***WHEREAS** against the order and decree dated 30.09.2019 the father of the **PARTIES OF THE FIRST PART** preferred an Appeal to the Appellate Authority in R.C.A.No.377 of 2019 on the file of the VIII Judge, Court of Small Causes at Chennai, and **WHEREAS** the said R.C.A. was dismissed by the Appellate Authority by its Order and Decree dated 25.10.2021, and*

WHEREAS** the father of the **PARTIES OF THE FIRST PART** preferred the above Civil Revision Petition in C.R.P.No.3001 of 2021 before the Hon'ble High Court, Madras, wherein an Order of Interim Stay of all proceedings in pursuance of the order dated 25.10.2021 passed in R.C.A.No.377 of 2019 was granted on 04.01.2022 in C.M.P.No.21351 of 2021, and **WHEREAS** the **PARTIES OF THE



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***THIRD PART** are the legal heirs of Late.Mr.Pravesh Kumar, who was the brother of Late.Mr.Sudesh Kumar (i.e., the father of the **PARTIES OF THE FIRST PART**), and it is their stand that they have been wrongly shown as Partners and wrongly impleaded as parties to the proceedings, including in the C.R.P., as Respondents 4 to 7, and*

***WHEREAS** a C.S.R.No.185 of 2022 dated 08.06.2022 has been filed by the father of the **PARTIES OF THE FIRST PART** against the **PARTIES OF THE SECOND PART** before the Anna Salai Police Station, and*

***WHEREAS** during the pendency of the said C.R.P.No.3001 of 2021, the father of the **PARTIES OF THE FIRST PART**, Viz., Mr.Sudesh Kumar, died on 16.05.2023 and vide order dated 08.08.2023 passed in C.M.P.No.13998 of 2023 by the Hon'ble High Court, Madras, the **PARTIES OF THE FIRST PART** were brought on record as his Legal Representatives and as Petitioners 2 to 4 in the said C.R.P., and*

***WHEREAS** the **PARTIES OF THE FIRST PART, SECOND PART** and **THIRD PART** decided to amicably compromise, settle and give a*



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quietus to all the disputes between them, and

WHEREAS the PARTIES OF THE FIRST PART, SECOND PART and THIRD PART have accordingly arrived at the following terms of settlement and compromise.

NOW THEREFORE THIS MEMORANDUM OF COMPROMISE WITNESSETH AS UNDER:

1. *The PARTIES OF THE FIRST PART has vacated and handed over vacant possession and keys of the two shops occupied by them to the PARTIES OF THE SECOND PART today (07.09.2023). The PARTIES OF THE SECOND PART acknowledge the receipt of the vacant possession and keys of the said two shops from the PARTIES OF THE FIRST PART.*

2. *The PARTIES OF THE SECOND PART agreed to receive from the PARTIES OF THE FIRST PART a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand Only) as full and final settlement of all their claim in all respects against the PARTIES OF THE FIRST PART AND THIRD PART and accordingly they have received the said sum*



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vide Demand Drafts bearing No.561698 dated 21.08.2023 for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) and No.560017 dated 07.09.2023 for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), both issued by ICICI Bank, Nungambakkam, Chennai and drawn in favour of Mr.K.A.Shaik Madar. Photocopies of the said Demand Drafts are annexed as Appendix 1 to this Joint Memorandum of Compromise.

*3. In view of the **PARTIES OF THE FIRST PART** paying the above sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousands Only) and they having vacated and handed over possession of the two shops to the **PARTIES OF THE SECOND PART**, the **PARTIES OF THE SEOND PART** relinquish and give up all their claims of fair rent dues and/or any other dues against the **PARTIES OF THE FIRST PART AND THIRD PART**.*

*4. **THE PARTIES OF THE SECOND PART** do hereby assure the **PARTIES OF THE FIRST PART AND THIRD PART**, that they and/or anyone claiming through or under them will not initiate any proceedings of any nature whatsoever at any point of time against the **PARTIES OF***



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***THE FIRST PART AND THIRD PART** either to enforce any claim arising out of the Orders and Decrees passed in R.C.O.P.No.428 of 2015, R.C.A.No.377 of 2019 and/or for any other relief.*

*5. The **PARTIES OF THE FIRST PART** shall withdraw the complaint in C.S.R.No.185 of 2022 dated 08.06.2022 filed against the **PARTIES OF THE SECOND PART** before the Annal Salai Police Station.*

*6. The **PARTIES OF THE FIRST PART** have handed over the two shops in their occupation in 'as is where is condition' and the **PARTIES OF THE SECOND PART** have accepted the same.*

7. Neither of the Parties shall have any claims of whatsoever nature against each other either for the past, present or future.

*8. The **PARTIES OF THE FIRST PART** do hereby assure the **PARTIES OF THE SECOND PART** that the electricity consumption charges will be cleared by them upto the date of vacating and handing over vacant possession of the two shops (i.e., upto 07.09.2023) to the **PARTIES OF THE SECOND PART**. The available electricity card has also be handed over to the **PARTIES OF THE SECOND PART**.*



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9. The parties shall file the Joint Compromise before the Hon'ble High Court, Madras in the said C.R.P.No.3001 of 2021 and pray for disposal of the same in these terms.

The parties hereto have signed and executed this Joint Memorandum of Compromise on 07.09.2023 and they are identified by their respective counsels. The self-attested copies of Aadhar Cards of the parties are filed along with this Joint Memorandum of Compromise."

2. Mr.Hitesh Kumar Grover and Mr.Shaik Madar are present in court today and Respondents 5 and 6/Mr.Girish Grover and Mr.Gaurav Grover are also present in court. As per the undertaking given by Mr.Hitesh Kumar Grover on behalf of the petitioners he has handed over the keys for the suit schedule mentioned property to Mr.Shaik Madar. Furthermore, two drafts for Rs.3,50,000/- have also been handed over today,

3. I have gone through the compromise memo, I do not find



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anything illegal or irregular for the same.

4.Recording the Joint Memorandum of compromise, the Civil Revision Petitions is disposed of. The Joint Memorandum of compromise shall form part of a decree. No costs. Consequently, connected miscellaneous petition is closed.

08.09.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

sr/gvn

To

1. X Small Causes Court, Chennai
2. VIII Small Causes Court, Chennai



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V.LAKSHMINARAYANAN,J.

sr/gvn

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