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CRP. No. 4698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4698 of 2023
& CMP No. 27922 of 2023

Mahindra Industrial Park Chennai Limited,
Mahindra Towers, Ground Floor,
No.17, Patulous Road, chennai – 600 002.

...Petitioner

Vs.

P.Santhanam (Deceased)

- 1.Rajendran
- 2.Valliammal
- 3.Dhanalakshmi
- 4.Palanivel
- 5.Ambika
- 6.Shenbagam
- 7.E.Edison
- 8.Rajeswari
- 9.Tamilarasi
- 10.Rani
- 11.Neelakandan
- 12.Balu
- 13.Alamelu
- 14.Lalli

(Cause title accepted vide court order dated 05.12.2023 made in CMP No. 27620 of 2023 in CRP Sr. No. 153251 of 2023 by TVTSJ)

....Respondents



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PRAYER : This petition filed under Article 227 of the Constitution of India, to issue appropriate directions to the District Munsif at Ponneri to emergently pass order in IA Sr. No. 3480 of 2023 in I.A Sr. No. 2806 of 2023 in O.S No. 260 of 2007 record the memorandum of compromise dated 27.11.2023 and consequentially set aside the exparte judgment and decree dated 12.04.2016 in the O.S No. 260 of 2007.

For Petitioner : Mr.Srinath Sridevan, Senior counsel.
For Respondents: Mr. Vishnu Ram

ORDER

This petition has been filed to issue appropriate directions to the District Munsif at Ponneri to emergently pass order in IA Sr. No. 3480 of 2023 in I.A Sr. No. 2806 of 2023 in O.S No. 260 of 2007 record the memorandum of compromise dated 27.11.2023 and consequentially set aside the exparte judgment and decree dated 12.04.2016 in the O.S No. 260 of 2007.

2. The suit in O.S No. 260 of 2007 was filed by the Santhanam father of the respondents 1 to 6 herein, seeking specific performance and other consequential relief based on the alleged sale agreement dated 27.05.1983 with respect to the suit properties. Thereafter, in the year 2002, the said



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Santhanam, passed away leaving behind the respondents as his legal heirs.

However, in the meantime, the original defendants 1 to 5 sold the suit property to Om Sakthi Agencies Madras Private limited through sale deed dated 19.09.2008 suppressing the pendency of the suit. Thereafter, the said Om Sakthi Agencies Madras Private limited conveyed the property to Mahindra World City Private Limited, through sale deed dated 17.07.2015. Thereafter, the suit properties were conveyed to the petitioner herein through sale deed dated 29.12.2015. Hence, in order to avoid needless conflict and litigation the plaintiffs and the petitioner reached out to the legal heirs of the plaintiff mutually. After various meetings and discussions, the parties reached common ground and entered into a memorandum of compromise.

3. Mr. K.K. Viswanathan, appeared in person on behalf of the petitioner along with his counsel, and the respondents along with their counsel appeared before this Court. The memo of compromise entered into between the parties is filed before this Court and the terms of the compromise was read over to the parties and they admitted to be correct. Accordingly, Memo of Compromise is recorded which is forming part of the decree. As per the terms of the compromise exparte judgement and decree



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dated 15.06.2023 is set aside.

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T.V.THAMILSELVI,J.

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4. In the result, this civil Revision petition is disposed of. No cost.
Consequentially, connected miscellaneous petition is closed.

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To

1. The District Munsif at Ponneri.

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