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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.S.No.749 of 2014

K.Sailendra Kumar

....Plaintiff

Vs.

1.D.Kesava Kumar (Deceased)

2.Chamundeeswari

3.K.Venugopal

...Defendants

PRAYER: Plaintiff filed under Order VII Rule 1 of CPC r/w Order IV Rule 1 of the O.S.Rules, praying to pass judgment and decree against the defendant:-

a) Declaring that the Settlement Deed dated 22.11.2013, registered as Document No.2766 of 2013 in the office of the Sub Registrar, T.Nagar, executed by the 1st defendant in favour of the 3rd defendant relating to the suit Schedule property as sham and nominal and not binding on the plaintiff;

b) Directing the defendants herein to execute and register the Sale Deed in favour of the plaintiff, free from all encumbrance, on the date to be fixed by this Court and in the event of default, the Assistant Registrar (O.S), High Court, Madras, to execute the Sale Deed in respect of the suit schedule property, and consequently, deliver vacant possession as per the Sale Agreement dated 05.11.2008 or in the alternate direct the defendants herein to refund the advance sale consideration or Rs.68,75,000/- together with interest at the rate of 18% per annum and to award compensation



and damages that may be fixed by this Court from the date of plaint till the day of realization;

c) Granting a permanent injunction restraining the defendants, their men, agents, servants or anyone claiming any right either under or through them from in any manner, alienating or encumbering the suit schedule property in any manner, in favour of any third parties; and

d) Awarding the cost of the suit to the plaintiff as against the defendants;

e) Any further or other reliefs.

For Plaintiff : Mr.K.V.Babu

For Defendants

For D1 : Mr.R.Venkatavarathan

For D2 : Mr.A.Gouthaman

For D3 : Mr.D.Senthilkumar

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J U D G M E N T

The above Civil Suit has been filed for specific performance. Pending the suit, the parties have arrived at an amicable settlement. The terms of the compromise are reduced in writing by way of a Joint Compromise Memorandum which has been duly signed by the plaintiff as well as the defendants 2 and 3 and their respective counsel.



execution of the Joint Compromise Memorandum dated 30.04.2024.

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3.The said memo dated 30.04.2024 is taken on file.

3.Recording the said memo, the suit is decreed in terms of the Joint Compromise Memo. The said Joint Compromise Memo shall form part of the decree. There shall be no order as to costs. The plaintiff shall be entitled to refund of Court fee, subject to statutory deduction, if any, by following the procedure for refund.

30.04.2024

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P.B.BALAJI, J.

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