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C.S. (Comm.Div.) No.93 of 2025 and O.A. Nos.358 & 359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

C.S. (Comm.Div.) No.93 of 2025 and O.A. Nos.358 & 359 of 2025

B.Asaithambi

... Plaintiff

Versus

1.G.Vijayakumar

2.G.Christiana Jayant

3.G.John D Ashok

4.G.Anandan

5.M/s.Citadel Constructions

6.S.R.Manimozhian

7.Baraneetharan Annadurai

... Defendants

Prayer: Commercial Suit filed under Order IV Rule 1 of Original Side Rules, r/w Order VII Rule 1 of C.P.C. to grant a Judgment and Decree in favour of the plaintiff on the following terms:

a.To Grant specific performance of the Joint development agreement dated 15.06.2022 against the defendants 1 to 4; or in alternative

b.To direct the defendants 1 to 3 to repay the sum of Rs.1,25,00,000/- (Rupees one crore and twenty five lakhs only) with interest at the rate of 24% from the date of the institution of this suit until its realization;



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c.Declaring the Memorandum of Deposit of Title deeds dated 27.09.2024 executed by the 4th defendant in favour of the defendants 6 and 7 as sham and nominal and the same is not binding on the plaintiff to obtain specific performance of the Joint Development Agreement dated 15.06.2022;

d.To grant permanent injunction restraining the 4th defendant, his men, agents and servants from alienating the suit schedule mentioned property to and

e.For permanent injunction restraining the 4th and 5th defendants, their men, agents and servants from carrying on any construction activities in the schedule mentioned property pending disposal of the suit;

f.That the defendants directed to pay the cost of the suit.

For Plaintiff : Mr.R.Rajarajan

For defendants : Mr.R.Ganesh Kumar for D4

JUDGMENT

Today, a Memo has been filed stating that an amount of Rs.6,00,000/- has been settled in favour of the plaintiff by the fourth defendant. According to the plaintiff, he is satisfied with the amount of settlement and requested this Court to dismiss this suit as withdrawn. The said Memorandum of Compromise is taken on record and the same is extracted hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL JURISDICTION)
(COMMERCIAL DIVISION)
C.S.(COMM DIV)NO. 93 OF 2025

Mr.B.Aasairhambi

S/o.K.Balasundaram(Late)

...Plaintiff

Vs

1. G.Vijayakumar

S/o. D.Gnanamanickum (Late)

& Others

...Defendants.

MEMO FILED ON BEHALF OF THE PLAINTIFF

1. The plaintiff respectfully submit that the Plaintiff has instituted the present suit seeking for the relief of specific performance of the Joint Development Agreement dated 15.06.2022, for declaration in respect of the alleged Memorandum of Deposit of Title Deeds dated 27.09.2024, and also for consequential permanent injunctions and for the alternative relief of recovery of money.

2. The plaintiff respectfully submit that during the pendency of the above proceedings, the 4th Defendant who is the purchaser of the suit property approached the plaintiff for amicable settlement. Both the 4th defendant and the plaintiff negotiated and arrived at a mutual settlement whereby all disputes arising under the subject matter of the



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suit have been fully and finally resolved and the 4th defendant paid sum of Rs.6000000/- (Rupees sixty lakhs only) to the plaintiff to finally settle the issue and requested the plaintiff to withdraw the suit as settled out of court. The Plaintiff had received the amount of Rs.6000000/- (Rupees sixty lakhs only) from the 4th defendant and agreed to withdraw the suit as settled out of court. As a result of the above said settlement, there remains no surviving cause of action for the plaintiff to continue the above suit. Hence this memo

In these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record this memo and dismiss the above suit in C.S. (Com Div). No. 93/2025 as withdrawn and order refund of the entire Court Fee paid in C.S. (Com Div). No. 93/2025 of Rs.3,75,210/- and excess court Fee of Rs.3,74,824/- to the plaintiff and pass such further orders as this Hon'ble court may deem fit and proper in the interest of justice.

Dated at Chennai on this 06th day of Oct 2025

Counsel for Plaintiff



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2.This suit is disposed of in terms of the Memorandum of Compromise, which shall form part of this judgment. No costs. The plaintiff is entitled for the court fee as per the existing rules.

29.10.2025

vga



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N. SENTHILKUMAR, J.

vga

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