



C.M.P.No.8167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

C.M.P.No.8167 of 2025

in

C.R.P.No.3854 of 2022

D.Selvanayaki (Deceased)

P.Karthikeyan (Deceased)

K.Grahalakshmi (Deceased)

1.K.Parthasarathy

... Petitioner/Respondent

Vs.

1.P.Bhuvaneshwari

2.P.Shenbagavalli

... Respondents/Petitioners

PRAYER: Civil Miscellaneous Petition is filed under Section 94(e) r/w 151 of Code of Civil Procedure, to modify the order, dated 15.11.2024 by directing the 1st respondent Mrs.Bhuvaneshwari to pay sum of Rs.30 Lakhs to the petitioner herein on or before 26.03.2025 as to enable the petitioner vacate the premises.



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For Petitioner : Mrs.Vasudha Thiyagarajan
for Mr.R.Thiyagarajan

For Respondents : Mrs.T.Jayalakshmi
for M/s.Paul and Paul

ORDER

Heard the learned counsel on either side.

2. The learned counsel for the applicant would submit that in terms of the compromise arrangement which culminated into an order, dated 15.11.2024, the applicant was supposed to vacate the premises under his occupation by 31.03.2025 across receiving balance sum of Rs.37,00,000/- from his aunt/ the 1st respondent. The learned counsel for the applicant took me through the affidavit seeking release of Rs.30,00,000/- on or before 26.03.2025 to enable the applicant to identify alternate accommodation and thereafter, vacate the premises and receive the balance sum of Rs.7,00,000/- across handing over the key. The applicant has expressed difficulty with regard to finding alternate accommodation.



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3. However, learned counsel for the applicant submits that the applicant is willing to comply with the compromise agreement in true letter and spirit and only indulgence which is sought for is release of Rs.30,00,000/- to be utilised for fixing an alternate accommodation.

4. The apprehension of the learned counsel for the respondents is that already a sum of Rs.10,00,000/- has been released and the applicant was supposed to vacate even last month and if further Rs.30,00,000/- is released and the applicant does not vacate and further drags the issue, the 1st respondent would be put to serious prejudice. In fact, the learned counsel for the respondents would further submit that the demand draft for Rs.37,00,000/- has already been taken and copy of the same has also been circulated to the learned counsel for the applicant.

5. Considering the above, the following order is passed:

(i) The 1st respondent shall release a part payment of Rs.30,00,000/- within a period of one (1) week from today.



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(ii) The applicant shall file an affidavit of undertaking on or before 04.04.2025 before the Registry, after serving a copy of the said affidavit on the counsel for the respondents, clearly indicating that irrespective of whether the applicant is able to find suitable alternate accommodation in view of the factum of receipt of Rs.40,00,000/- from the 1st respondent (Rs.10,00,000/- already received and balance Rs.30,00,000/- to be paid within a week from today), the applicant will undertake to vacate the premises under his occupation and handover vacant possession to the 1st respondent on or before 30.04.2025 without seeking any further extension of time.

(iii) The balance sum of Rs.7,00,000/- shall be released by the 1st respondent on or before 30.04.2025 across the applicant vacating and handing over the key.

6. The learned counsel for the respondents would submit insofar as the internal arrangement between the sisters, namely the respondents, the



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1st respondent has already paid the 2nd respondent and no further amounts

are due.

7. In view of the above, this Civil Miscellaneous Petition is ordered.

8. Post on **30.04.2025** for reporting compliance.

02.04.2025

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To

1. The III Additional City Civil Court, Chennai.
2. The Section Officer, VR Section,
Madras High Court, Chennai.



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P.B.BALAJI ,J.

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