



WEB COPY



AS. No.580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

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

AS. No. 580 of 2023
& CMP No. 19545 of 2023 & 4350 of 2024

M/s. Pavitraa Graphics Limited,
Represented by its Managing Director,
Mr. Subba Rao
Having its office at New No.60 (Old No. 18), 3rd Street,
Railway Colony, Nelson Manickam Road,
Chennai - 600 029.

...Appellant

Vs.

M/s. K.M.Gangadhara Chettiar Charities,
Represented by its Trustee Cum Secretary,
Mr.K.G. Sethuraman
having its office at No.108, S.Block,
4th Main Road, Anna Nagar,
Chennai - 600 040.

...Respondent.

PRAYER : This first appeal is filed under section 96 of Civil Procedure Code, to set aside the Decree and Judgment dated 21.11.2022 passed by XVII Additional District and Sessions Judge, Chennai in OS No. 683 of 2020.



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For Appellant : Mr. P.A. Parasarn
for C. Abraham Prabhu
For Respondent : Mr.K.P. Ashok

JUDGMENT

This first appeal has been filed to set aside the Decree and Judgment dated 21.11.2022 passed by XVII Additional District and Sessions Judge, Chennai in OS No. 683 of 2020.

2. When the matter is taken up for hearing, both sides counsel submit that there was a compromise entered between the parties to that effect the appellant filed an undertaking affidavit. The terms and conditions accepted by the parties in the undertaking affidavit is reproduced below:

" a. The appellant hereby undertakes to vacate the premises within 6 months and to hand over the vacant possession of the premises.

b. The appellant hereby undertakes to pay 50% of the accumulating rental arrears as claimed by the respondent within 6 months (i.e. Rs.20,00,000/-(Rupees Twenty Lakhs Only)) inclusive of GST, and other taxes as may be paid statutorily which will be in full and final settlement towards the total dues. "



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3. The undertaking affidavit filed by the appellant is forming part of this judgment and this Court is inclined to grant 6 months time to the appellant to vacate the premises. Further, as accepted by the parties in affidavit, the appellant is directed to pay a sum of Rs.20,00,000/- including GST and other taxes as may be paid statutorily which will be in full and final settlement within a period of six months, If any deviation, the landlord is entitle to initiate the EP proceedings after six months. Accordingly, this appeal is disposed of. No Costs. Consequentially, pending petition(s), if any, is/are closed.

30.01.2025

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To

1. XVII Additional District and Sessions Judge, Chennai
2. The Section Officer,
V.R Section.



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T.V.THAMILSELVI,J.
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