BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

Under the Real Estate (Regulation And Development), Act, 2016

DATED 01.11.2023

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Mr.R.Padmanabhan, Judicial Member

M.A.No.174/2023
in
Appeal (SR) No.109/2023

M/s.Casa Grande Homes Private Limited
rep by its Authorized Signatory
Mohanraj ... Applicant/Appellant

- Vs -

1. M.Prem Rajan
2. P.Sithara ... Respondents/Respondents

M.A.No.174 of 2023 has been filed under Section 44 (2) of the Real Estate (Regulation and Development) Act, 2016 to condone the delay of 199 days in filing the appeal.

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the order dated

20.05.2022 in C.C.P.No.54 of 2021 on the file of the learned Adjudicating Officer.

For Appellant : Mr. O.L.V.Ganesan
Respondents : Mr.M.Prem Rajan - party-in-person
Mrs.P.Sithara - party-in-person

ORDER

When the application is taken up for hearing, Mr.O.L.V.Ganesan, learned counsel appearing for the appellant and the respondents, viz., Mr.M.Prem Rajan and Mrs.P.Sithara, appearing in person, represented that the matter has been settled out of Court and that a Joint Memorandum of Compromise dated 01.11.2023 has also been entered into between the parties. The learned counsel for the appellant and the respondents submitted that the matter may be disposed of in terms of the Joint Memorandum of Compromise dated 01.11.2023.

2. Recording the submission made by the learned counsel appearing for the appellant and the respondents, appearing in person, the application is disposed of in terms of the Joint Memorandum of Compromise dated 01.11.2023. The learned counsel for the appellant and the respondents also produced the Joint Memorandum of Compromise before this Tribunal and the same is taken on record. The respondents also acknowledged the due execution of the Joint Memorandum of Compromise. The Joint Memorandum of

Compromise dated 01.11.2023 shall form part of this order. Consequently, the Appeal in Appeal (SR) No.109/2023 stands closed.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Copy to:

1. M.Prem Rajan
2. P.Sithara

   Both residing at No.53, Anna Theresa Nagar,
   Third Street,
   Puzhuthivakkam, Madipakkam, Chennai - 600 091.

3. The Adjudicating Officer, TNRERA

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BEFORE THE TAMIL NADU REAL ESTATE APPELATE TRIBUNAL (TNREAT)

CHENNAI

MA no.174 of 2023

In

Appeal SR No.109/2023

against

C.C.P No. 54 of 2021



M/s. CASA GRANDE HOMES Private Limited
Rep by its Authorised Signatory Mr. Mohanraj
NPL Devi 6th Floor, No.111, Old Door No.59, L.B. Road, Thiruvanmiyur
Chennai – 600 041

.....Appellant/Respondent

Vs

1.M. Prem Rajan
2.P. Sithara
Both residing at No.53, Anna Theresa Nagar
Third Street, Puzhuthivakkam, Madipakkam
Chennai - 600091

...Respondents/complainants

JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENTS

1. The Parties submit this memo in A.SR.N0. 109 of 2023.

2. The appellant submits that subject case has been settled out of court as per the discussions between the parties. The Appellant has deposited a total sum of Rs.28,43,849/- towards the Appeal.

3. It is submitted that on mutual consent between the parties, out of the said deposited sum, it is agreed that;

   a) A sum of Rs.10,00,000/- (Rupees Ten lakh only) shall be paid to the Respondent as full and final settlement of all claims
   b) The remaining sum of Rs.18,43,849/- (Rupees eighteen lakh fourty three thousand eight hundred and forty nine only) shall be paid to the Appellant
   c) It is agreed that the sum of Rs.3,77,208/- payable by the Respondent towards the handing over of the unit is covered in the aforesaid paid to the Appellant out of the said deposit.
   d) The Respondent agrees to pay the maintenance charges directly to the Association as applicable.

For CASA GRANDE HOMES PVT LTD

Authorised Signatory

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e) On the aforesaid terms of full and final settlement, the Parties settle all issues, claims and disputes among them. The transaction documents (sale deed/construction agreement) will be executed and registered by the parties. The registration charge, stamp duty and expense for completion the registration shall be borne by the Respondent as applicable for the transaction.

4. The Respondent agrees that the execution proceedings in EP no. 49 of 2022 initiated by the respondent for executing the order in CCP no.54/2021is also settled by the terms of this compromise. The said EP has been ordered on 27.02.2023. The respondent shall not press for any further proceedings on the said EP as the same also stands settled by the terms of this Memo.

5. The appellant submits that there is no cause to further pursue or press appeal as the matter settled on mutually agreeable terms between the parties and this honorable tribunal may kindly close the appeal as settled out of court.

6. The parties do not reserve any right, interest or liberty to agitate any further claims or issues between them and there is no cause for making any claims against each other. The parties confirm that they do not have any claims or demands against each other on any grounds or reason.

7. The parties humbly pray that the honorable tribunal may kindly accept this memo and pass necessary order for closure of appeal and all proceedings of execution petition and pass necessary orders as deem fit in the circumstances and thus render justice.

Dated at Chennai on this the 01st day of ~~October~~ November 2023

For CASA GRANDE HOMES PVT LTD

Authorised Signatory

APPELLANT

COUNSEL FOR THE APPELLANT

RESPONDENTS

TAMILNADU REAL ESTATE APPELLATE TRIBUNAL
01 NOV 2023
TNREAT
CHENNAI

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BEFORE THE TAMIL NADU REAL ESTATE APPELATE TRIBUNAL (TNREAT)

CHENNAI

MA no.174 of 2023

In

Appeal SR No.109/2023

against

C.C.P No. 54 of 2021

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Rep by its Authorised Signatory Mr. Mohanraj
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.....Appellant/Respondent

Vs

1.M. Prem Rajan
2.P. Sithara
Both residing at No.53, Anna Theresa Nagar
Third Street, Puzhuthivakkam, Madipakkam
Chennai - 600091

...Respondents/complainants

JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENTS



M/S. GANESH AND GANESH
COUNSEL FOR
APPLICANT/APPELLANT/RESPONDENT

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