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: 28.02.2024

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

Appeal No.12 of 2024
and
M.A.No.12 of 2024

M/s.Casa Grande Homes Pvt. Ltd.,
represented by its Managing Director Arun MN
now represented by its Authorized Signatory
Y.Mohan Raj ... Appellant

- Vs -

1. Roohi Adeni
2. M.Javid Adeni ... Respondents

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the order dated 06.06.2022 in C.C.P.No.159 of 2021 passed by the learned Adjudicating Officer, TNRERA.

For Appellant : Mr. O.L.V.Ganesan
For Respondents : Ms.Chandini Pradeep Kumar

ORDER

When the matter is taken up for hearing, Mr.O.L.V.Ganesan, learned counsel appearing for the appellant and Ms.Chandini Pradeep Kumar, learned counsel appearing for the respondents submitted that the parties had settled the matter out of Court and also entered into a Joint Memorandum of Compromise dated 28.02.2024.

2. The learned counsel appearing for the respondents submitted that the 2nd respondent is the father of the 1st respondent and the 1st respondent is residing in Dubai, hence, she is not in a position to sign the Memorandum of Compromise. The 2nd respondent, namely, Mr.M.Javid Adeni, who is also present in the Court, submitted that he has signed the Memorandum of Compromise on behalf of his daughter, the 1st respondent, namely, Ms.Roohi Adeni.

3. The 2nd respondent also duly acknowledged the execution of the Joint Memorandum of Compromise.

4. The learned counsel appearing for the respondents, who has also signed the Joint Memorandum of Compromise, submitted that she has also got instructions from the 1st respondent to the effect that she is agreeing for the settlement in terms of the Joint Memorandum of Compromise dated 28.02.2024.

5. The Joint Memorandum of Compromise dated 28.02.2024 is taken on record.

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6. Mr.O.L.V.Ganesan, learned counsel appearing for the appellant submitted that the terms of the compromise may not be directed to be made part of the order for the reason that the Builder is facing various litigations if the terms of the compromise are uploaded in the website.

7. The learned counsel appearing for the respondents submitted that the interest of the respondents should be protected by passing appropriate orders.

8. In view of the submissions made by the learned counsel on either side, we make it clear that in the event of non-compliance of any of the conditions stated in the Joint Memorandum of Compromise dated 28.02.2024, the respondents are at liberty to execute the order as though it forms part of the record.

9. The Appeal is disposed of in terms of the Joint Memorandum of Compromise dated 28.02.2024 and the parties are entitled to withdraw the amount as stated in the Joint Memorandum of Compromise, with proportionate accrued interest. Consequently, the connected Miscellaneous Application is closed.

CHAIRPERSON

JUDICIAL MEMBER

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Copy to

1. The Adjudicating Officer, TNRERA.

2. Roohi Adeni

3. M. Javid Adeni
   Both residing at Plot No.3, Ground Floor,
   Karunakaran Nagar,
   Kanathur Reddy Kuppam,
   Kancheepuram,
   Tamil Nadu - 603 112.

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