

IN THE COURT OF THE SUB JUDGE, CHAVAKKAD

Present :- Sri.V. Vinod, Sub Judge
Saturday, the 5th day of October, 2024/13th Aswina, 1946

O.S.95/2024

Plaintiff:-

Prajeesh Kumar, aged 49 years,
S/o. Mullakkal Mani, Elavally Pandarakkad Desom,
P.O. Elavally South, Chavakkad Taluk, PIN – 680 511.

By Adv. C. Rajagopalan & Ivey Rose.

Defendant:-

Vijayan, aged 59 years,
S/o. Chakkanda Adimu, Elavally Amsom,
Chittattukara Desom, P.O. Chittattukara,
Chavakkad Taluk, PIN – 680 511.

Exparte.

Suit is coming on 25.09.2024 for hearing before me in the presence of counsels for plaintiff and having stood over for consideration till this day, the court delivered the following :-

JUDGMENT

The suit is one for specific performance of the contract, in the alternate for the return of advance money, for a charge decree of the plaint schedule property and for costs.

2. The case of the plaintiff in brief is as follows: The plaint schedule property is owned and possessed by the defendant. On 26.03.2021 an agreement was entered into between the plaintiff and the defendant wherein the defendant has agreed to assign the plaint schedule property in favour of the plaintiff for a sale consideration of Rs. 14,00,000/-. The period of agreement was 11 months. Rs. 12,00,000/- was given as advance. The agreement was further extended for 11 months. The defendant did not comply with the terms of the contract in spite of repeated demands from the side of the plaintiff. The plaintiff is willing ready and willing to perform his part of the contract. Hence the suit.

3. The defendant was served with summons. He did not appear.

4. The plaintiff filed chief affidavit and Ext. A1 was marked. From the affidavit and the documents the plaint claim stands proved.

In the result, the suit is decreed as follows:

- a) The plaintiff shall pay the deposit balance sale consideration payable to the defendant within 3 months from the date of the decree and on deposit of the balance sale consideration the defendant shall execute the sale deed pertaining to the plaint schedule property within two months from the above date. In case of failure, the plaintiff is entitled to execute the order through the process of this court.
- b) The plaintiff is also entitled to get costs of the proceedings.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 5th day of October, 2024).

Sd/-
V. VINOD,
SUB JUDGE.

A P P E N D I X

Plaintiff's Witnesses:- Nil

Defendant's Witnesses:- Nil

Plaintiff's Exhibits:-

Ext.A1. 26.03.2021. Original Sale agreement.

Defendant's Exhibits:- Nil

Sd/-
SUB JUDGE.

/true copy/

By Order,

Copied by : PPA
Compared by

Sheristadar.