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ಕರ್ನಾಟಕ ಲಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp.No: 1032

ಪುಟ ಸಂಖ್ಯೆ - 15 -

ವಿಷಯ Ashwini N

Nitesh Melbourne Park

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

21.

12/30/2022

30/04/2022

The case has been called

P - present

R - absent

Hear the complainant and
the Haverth Keener. m-o.
Answered person, on joint
memo.

A order on joint memo.

30/4.

22.

12.05.2022

ORDER ON JOINT MEMO DATED: 04.01.2022

The complainant and the opposite party together have filed a joint memo dated: 04.01.2022 praying to dispose off the case as fully satisfied or fully realised. Among others, it is stated in the joint memo that as per memorandum of settlement (here-in-after referred as MOS) dated: 04.01.2022 parties have settled the dispute involved between them. The complainant has also filed a memo for withdrawal dated 04.01.2022 and an application under 151 CPC, accompanying verified affidavit of the complainant and also filed copy of MOS dated: 04.01.2022 and copies of relevant documents.

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ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp No: 1082

ಪುಟ ಸಂಖ್ಯೆ -16-

ವಿಷಯ Ashwini N

..... Nitesh Melbourne Park

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
23.	<p>Heard the complainant Smt. Ashwini N and heard Sri. Harish Kumar MD, Authorised person of the opposite party on the joint memo dated: 04.01.2022. Perused the records.</p>
24.	<p>The learned Adjudicating Officer (here-in-after referred as AO) on hearing both sides passed the judgment/order dated: 06.09.2018 in complaint No. CMP/180711/0001032 whereby allowed the complaint and directed the developer to refund the collected amount to the complainant with interest within the period as mentioned therein. Thereafter the revenue recovery certificate has been issued requesting the DC, to recover the amount mentioned therein as arrears of land revenue towards the satisfaction of the amount ordered by the AO in the aforesaid judgment/order dated: 06.09.2018. Subsequently the parties have entered into settlement as per the MOS dated: 04.01.2022, copy of which is produced, where under the complainant has in all received Rs. 21,56,195/- towards full and final satisfaction of her claim in the case, in support of the same, copies of the DD's for the said amount are also produced. The authorised person Sri. Harish Kumar MD of the project submits these facts but whereas the complainant Smt. Ashwini N submits that she did sign on the joint memo, affidavit and on MOS dated: 04.01.2022, under the impression that opposite party will pay her interest apart from amount she has received under MOS, as orally promised by the opposite party, hence prayed to reject the joint memo. Admittedly complainant has signed on joint memo, on affidavit accompanying to application filed U/Sec.151 CPC, withdrawal memo, MOS and the complainant is educated, under the circumstances it is presumed that the complainant knowing very well that the amount received under the MOS dated: 04.01.2022, is towards full and final satisfaction of the claim amount, has signed said documents. Therefore there is no substance in the contention of the complainant that she signed the aforesaid documents on the oral promise of the opposite party agreeing to pay interest apart from amount received under the MOS and there is no materials on record to</p>



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ಕಡತದ ಸಂಖ್ಯೆComp.No: 1032

ಪುಟ ಸಂಖ್ಯೆ- 17 - 17

ವಿಷಯ Ashwini N

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support the same, as such, the joint memo is liable to be allowed, rejecting the contention of the complainant. Thus I proceed to pass the following:

ORDER

The joint memo dated: 04.01.2022 is allowed and the execution proceedings in this case are closed, holding that the claim of the complainant under the judgment/order dated 06.09.2019 in complaint No. CMP/180711/0001032 has been fully satisfied and there is nothing to be recovered, consequently the revenue recovery certificate issued against the opposite party (developer) is hereby recalled. Issue intimation about the recall of the revenue recovery certificate to the concerned DC.

Intimate regarding this order to both the parties.

(Typed to my dictation, directly on the computer by the DEO, verified, corrected and pronounced by me on 12.05.2022)


(I.F. BIDARI)

Adjudicating Officer-1
K-RERA.

25.

Revenue)