

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Second Appeal No.562 of 2014

and

M.P.No.1 of 2014

and

C.M.P.No.6191 of 2016

1. C.Kannan
2. C.Anitha

.... Appellants/Defendants 1 & 2

-VS-

1. Nachimuthu Gounder 1st Respondent/Plaintiff
2. Subbathal 2nd Respondent/3rd Defendant

Second Appeal filed under Section 100 of C.P.C. against the judgment and decree dated 04.03.2013 made in A.S.No.8/2012 on the file of Principal District Judge, Tiruppur confirming the Judgment and decree dated 21.11.2011 made in O.S.No.50/2009 on the file of the Subordinate Judge of Udumalpet.

For Appellant : Miss.P.T.Asha
for M/s.Sarvabhauman Associates

For Respondent 1 : Mr.Nachimuthu Gounder
Party in person
R2 - Given up

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J U D G M E N T

The 1st and 2nd defendants are the appellants. The first respondent is the plaintiff and the 2nd respondent is the 3rd defendant. The suit is for specific performance of the agreement of sale. The learned counsel appearing for the appellants submitted that the 2nd respondent has been given up since she remained exparte in the lower court. On 18.08.2016,

when the matter was listed before this Court, the learned counsel appearing for the appellant submitted that the parties have settled the matter and therefore, the Second Appeal can be closed by recording the memo. Accordingly, the matter is adjourned for filing a memo of compromise. Thus, when the matter is taken up today, a memo of compromise dated 22.08.2016, signed by both the appellants and the first respondent as well as the counsel appearing for the appellants is filed before this Court. The appellants and the first respondent are personally present before this Court. The 1st respondent is identified by the appellants. The first respondent has not engaged any counsel. He submitted that he entered into the compromise with the appellants.

2. The terms of the memo read as follows:-

I. The Appellants - C.Kannan and C.Anitha have paid a sum Rs.51,00,000/- by way of cash to the 1st respondent herein towards full and final settlement of the 1st respondents claim.

II. The 1st respondent declares that he has no claim in respect of the property subject matter of the suit O.S.No.50 of 2009 on the file of the Sub Court, Udumalpet and the registered agreement of sale dated 26.06.2007 stands cancelled.

III. The 1st Respondent further declares that the possession of the suit properties continues to be with the Appellants and undertakes not to disturb their possession and the 1st respondent further declares that the Appellants have the right title and interest to transfer, convey, lease the suit properties.

IV. The Appellants and the Respondents herein further affirm and confirm that in view of the above, all disputes amongst them pertaining to the suit property, stand fully and finally settled and that the 1st Respondent has no further claim against the suit property.

V. It is hereby further affirmed and confirmed by the Appellants and Respondents that they have voluntarily and wholeheartedly entered into this compromise and there has been no compulsion that the terms of the compromise as set out herein above is final, binding and irrevocable.

VI. The parties further pray that this Hon'ble Court may be pleased to record the above compromise and pass a decree in terms thereof and this Memorandum of Compromise may form a part of the decree.

3. Both the parties have agreed for the disposal of the Second Appeal in terms of the above referred memo of compromise. Accordingly, the Second Appeal is disposed of in terms of the above compromise memo which shall form part of the records and decree. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Principal District Judge,
Tiruppur.

2.The Subordinate Judge,
Udumalpet.

Copy To

The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.47763

Second Appeal No.562 of 2014

MP (CO)
CA(11/11/2016)

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