



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Fourteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.DURAISWAMY

SA(MD) No.60 of 2011

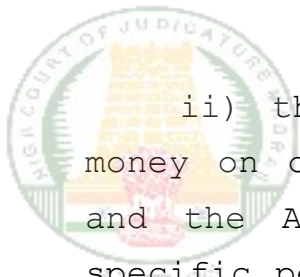
D.Rani .. Appellant/Appellant/Defendant

Vs.

S.Jagadeesan .. Respondent/Respondent/Plaintiff

Second Appeal is filed under Section 100 CPC against the Judgment and Decree of the Principal District Judge, Tiruchirappalli, in Appeal Suit No.103/2009 preferred against the Judgment and Decree of the court of the dated 28.01.2010 in Original Suit No.393 of 2004, II Additional Sub Judge, Tiruchirappalli dated 26.06.2008 Tiruchirappalli.

DECREE : This Second Appeal coming on for hearing on this day upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Appellate Court and the Court of First Instance and the material papers in the suit and upon hearing the arguments of Mr.T.V.Sivakumar, Advocate for the Appellant and of Mr.K.Govindarajan, Advocate for the Respondent and the Appellant and respondent having settled their difference and entered in to a compromise between themselves and through their respective counsels and having filed a memo of Compromise duly signed by the said parties as well as by the Advocate on either side, upon perusing the Grounds of Appeal, and the Judgment and decrees of the Courts below and the records relating to the case and the memo of compromise of the original of which is affixed and annexed herewith this Court while disposing of the Second Appeal by recording the said memo of compromise follows :



ii) that the Appellant agreed that if she failed to pay the money on or before 30.04.2017, the Second Appeal stands dismissed and the Appellant accept the Judgment of the Courts below for specific performance of the agreement dated 20.11.2012 in favour of the respondent herein and the sale deed executed by the court infavour of the respondent herein on 08.09.2009 stands good ;

iii) that if the amount of Rs.6,00,000(Rupees Six Lakhs only) paid to the respondent by the Appellant on or before 30.04.2017; the respondent agreed that the suit stands dismissed and the Second Appeal stands allowed and the respondent agreed that he doesn't have any right title or interest in the property and the respondent agreed to sign necessary documents to recovery the property at the expenses of the Appellant herein;

iv) that the Appellant/agreed that she is not entitled to any further time or extension after 30.04.2017 and if the respondent is not co-operating to receive the money from the appellant, the Appellant if entitled to deposit the same on or before 30.04.2017 before the IInd Additional Sub Judge, Trichy, in the account O.S.No.393/2004 and the Appellant herein is entitled to execute the compromise decree for re-registration of the suit property in here name.

v) that there be no costs in this Second Appeal.

Description of property

In Trichy Registration District, Munsiri Sub Registration District, Thottiyam Taluk, Thottiyam Pavalakadai Street, Natham Survey No.123/1, A1, West to Angalamman, Temple land, North to Late Appavupillai Kinosfolk, East to common footpath lane, South to Masilamanipillai house, in the middle of these boundaries, land measuring East to West 36 ft. and South to North 29 ft. and the two houses constructed thereon with mud wall and tile roofing, measuring 493 sq.ft. Along with the 5 electric bulb fixtures, and the share in



the footpath lane to approach the Pavalakadai street from the aforesaid house and the $\frac{1}{4}$ share in the well situated on the Northern side of the aforesaid house, are all inclusive of this sale agreement.

WEB COPY The aforesaid tile roofing house situated within the limit of Thootiyam Taluk, Ward No.10, Door No.36, 36. The market value of the aforesaid property is Rs.1,75,000.00.

sd/-

Assistant Registrar (CO)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. The Principal District Judge, Thiruchirappalli
2. II Additional Subordinate Judge, Thiruchirappalli.

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court Madurai.

+1CC to Mr.T.V.Sivakumnar, Advocate Sr.No.80703
+1CC to Mr.K.Govindarajan, Advocate Sr.No.80785

GJM/GSV/SV/24.1.17-3p-6C

DECREE

IN

SA(MD) No.60 of 2011

Date :14/12/2016

Nature of DECREE : Disposing this Appeal interms of the Joint memorandum of Compromise dated 14.12.2016 and preferred against the Judgment and decree of the Principal District Court, Tiruchirappalli, made in A.S.No.103/09 dated 28.01.2010 confirming the Judgment and decree of the Trial Court dated 26.06.2008 passed in O.S.No.393/2004 on the file of II Additional Subordinate Judge, Tiruchirappalli etc., as stated within.