

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

A.S.No.314 of 2017
and
C.M.P.No.11967 of 2017

A.Selvaraj ...Appellant
Vs.

1. S.Jayashree,
W/o Senthilkumar

2. N.Senthilkumar,
S/o Navamani ...Respondents

Appeal filed under Section 96 of the Code of Civil Procedure against the judgment and decree of the II Additional District and Sessions Judge at Tiruppur dated 08.11.2016 in O.S.No.174 of 2009.

For Appellant : Mr.P.Valliappan

For Respondents: Mr.K.S.Karthik Raja

J U D G M E N T

(Judgment of the Court was delivered by R.SUBBIAH,J.)

This Appeal has been filed by the appellant who is the defendant in the suit in O.S.No.174/2009 on the file of the II Additional District and Sessions Judge, Tiruppur. The respondents are the plaintiffs in the said suit.

2. The said suit was filed by the respondents/plaintiffs for the following reliefs:

- a) Set aside the sale deed dated 07.01.2008 as void, illegal and secured out of criminal intimidation, threat and coercion.
- b) Award costs.

3. After contest, the said suit was decreed. Aggrieved over the same, the defendant has filed the present appeal. In this Appeal, the parties have filed a memo of compromise dated 04.06.2018 before this Court along with a copy of the memorandum of understanding. The parties have also appeared in person. We enquired them and they admitted that they have arrived at a settlement among themselves. The parties have also signed in the said memo of compromise along with their respective counsels. The terms of above said memo of compromise reads as follows:

"1. WHEREAS the respondents filed the suit in O.S.No.174 of 2009, before the second Additional District Court at Tiruppur seeking to set aside the registered Sale Deed dated 07.01.2008.

2. WHEREAS the Trial Court decreed the suit on 08.11.2016.

3. WHEREAS the appellant preferred the above Appeal against the judgment and decree dated 08-11-2016 passed by the Second Additional District Court at Tiruppur in O.S.No.174 of 2009.

4. WHEREAS the parties have now amicably settled the above dispute and all other disputes amongst themselves by entering into a Memorandum of Understanding dated 26-05-2018.

5. WHEREAS the parties now state as follows:

a) That the Memo of Understanding dated 26-05-2018 may be treated as part and parcel of this Memo of Compromise.

b) That both parties state that no other case is pending between them and that they will not file any other case regarding the suit property.

c) That the respondents agreed that the above suit in O.S.No. 174 of 2009, before the second Additional District Court at Tiruppur may be dismissed by setting aside the Judgment & Decree dated 08-11-2016 and that the above Appeal in A.S.No.314 of 2017 may be allowed.

4. Therefore it is prayed that, this Hon'ble Court may be pleased to allow the above Appeal in A.S.No.314 of 2017 by recording this Memo of Compromise and thus render justice. "

4. In view of the settlement arrived at between the parties, this Appeal is allowed. The suit is dismissed. The memo of compromise along with Memo of Understanding shall form part of the record as well as the decree. No costs. Consequently, connected miscellaneous petition is closed. **(*)The Registry is directed to refund the court fee to the learned counsel for the appellant if it is in accordance within Section 69A of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.**

Sd/-

Assistant Registrar(CCC)

(dated 20.06.2018)

(*)Sentence incorporated as per order of this court dated 27.06.2018 and made in AS.314/17

Sd/-

Assistant Registrar(CCC)

(dated 04.07.2018)

//True copy//

Sub Assistant Registrar

vsi

TO

The II Additional District
and sessions Judge,
Tiruppur.

**to be substituted to the
Order already Despatched
On 21.06.2018.**

Copy To

The Record Keeper,
VR Section,
High Court, Madras.

+2cc to Mr.P.Valliappan, Advocate SR.No.35408

A.S.No.314 of 2017

RV(CO)
GN(20/06/2018)
TR(04/07/2018)