



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.07.2018

CORAM:

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THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

**S.A(MD)No.320 of 2017
and
C.M.P(MD)No.7708 of 2017**

1.Poovathal
Kannimuthu (died)
2.Bharathiraja

... Appellants/Respondents/Defendants

Vs.

V.Murugesan

... Respondent/Appellant/Plaintiff

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the Judgment and Decree dated 03.04.2017 passed in A.S.No.58 of 2014 on the file of the Additional District Judge, Palani reversing the Judgment and Decree dated 04.08.2014 passed in O.S.No.103 of 2007 on the file of the Sub-Court, Palani.

For Appellant : Mr.D.Venkatesh

For Respondents : Mr.H.Arumugam

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J U D G M E N T

This second appeal is filed by the defendants in O.S.No.103 of 2007 on the file of the Sub-Court, Palani and the said suit was filed for declaration and for possession by the plaintiff.

2.When the matter was taken up for hearing earlier on 23.07.2018, it was represented that the parties are willing to settle the matter amicably, if they are referred to the Mediation Centre of this Court. Accordingly, this matter was referred to the Mediation Centre of this Court, where the parties have arrived at a settlement. Accordingly, the matter is placed before this Court once again for disposal.

3.The learned counsel appearing for the parties submitted that they have entered into a compromise. A joint compromise memo dated 30.07.2018, is filed before this Court, which reads as follows:-



1. It is submitted that the respondent filed a suit for declaration and recovery of possession with regard to the suit schedule property against the petitioners. Now, both the appellants and the respondent agreed to settle the case amicably before the Mediation Centre attached to this Hon'ble Court.

2. It is submitted that the appellants agreed to pay Rs.13,50,000/- and the respondent also agreed to receive the same as full and final settlement. On receiving such sum, the respondent agreed to give up the decree in its entirety.

3. It is submitted that out of the said sum, on 30.07.2018, the appellants gave Rs.1,00,000/- as cash to the respondent. The appellants also agreed to pay the remaining sum of Rs.12,50,000/- to the respondent within a period of 3 months i.e., on or before 31.10.2018 and which was accepted by the respondent also.

4. In the event of non payment of the balance amount of Rs.12,50,000/- (Twelve Lakhs Fifty Thousand) on or before 31.10.2018, this compromise memo shall stand cancelled and the decree of the Lower Appellate Court will stand confirmed and the respondent can execute the decree through EP.

It is therefore prayed that this Hon'ble Court may be pleased to record the above compromise memo in S.A(MD) No.320 of 2017 and pass appropriate orders as per terms and thus render justice.

4. Both the parties are personally present before this Court. The said compromise memo was signed by both the parties as well as their respective counsel. Therefore, the parties prayed for disposal of the second appeal in terms of the above compromise.

5. Accordingly, the above said compromise memo is placed on record and the second appeal is disposed of in terms of the above said compromise memo, which shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Additional District Judge, Palani.



2.The Sub-Court, Palani.

+1cc to Mr.H.Arumugan, Advocate Sr.No.76115

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