

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11..04..2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Appeal Suit No.831 of 2012

V.Loganathan

... Appellant/Defendant

-Versus-

R.Arasappan

... Respondent/Plaintiff

This appeal suit is filed under Section 96 of Code of Civil Procedure against the judgment and decree dated 09.04.2012 made in O.S.NO.1542 of 2011 by the learned Additional District Judge, Fast Track Court-III, Chennai.

For Appellant : Mr.A.S.Kailasam

For Respondent : Mr.S.Kanniah

JUDGMENT

The sole defendant who suffered a decree for specific performance of contract in O.S.No.1542 of 2011 on the file of the learned Additional District Judge, Fast Track Court-III, Chennai, is the appellant herein and the plaintiff in the said suit is the respondent herein. The above said suit was filed for a decree for specific performance of contract directing the defendant to execute a sale deed in favour of the plaintiff for a sum of Rs.22,00,000/- in respect suit property pursuant to the agreement of sale dated 01.04.2004 entered into between the plaintiff and the defendant on receiving the balance sale consideration of Rs.15,21,630/- from the defendant. The learned Additional District Judge, by judgement dated 09.04.2012 decreed the suit as prayed for. Challenging the same, the defendant is before this court with this appeal suit.

2. Today, it is submitted by the learned counsel on either side that the pending appeal suit, the parties have settled the dispute amicably between themselves and also entered into a compromise in writing. They have filed the joint memo of compromise entered into between the plaintiff and the defendant

which was signed by both the plaintiff and the defendant and their respective counsel.

3. The terms of compromise entered into between the parties reads thus:-

(a) The appellant shall be entitled to receive the deposit of Rs.22,00,000/- (Rupees Twenty Two Lakhs only) made by the respondent along with accrued interest thereon. The respondent agrees to pay the appellant a further sum of Rs.8,00,000/- (Rupees Eight Lakhs only) towards sale consideration due to the delay and the total sale consideration aggregates to Rs.30,00,000/-

(b) The appellant shall execute the sale deed and present the same for registration at the Sub Registrar's Office for the sale consideration of Rs.30,00,000/-

(c) The parties agree that this memorandum of compromise shall form part of the decree and this appeal can be disposed of in terms of this Memorandum of Compromise.

4. The learned counsel for the respondent/plaintiff submitted that the respondent/plaintiff had already deposited the entire sale consideration into the court and he will pay further sum of Rs.8,00,000/- towards sale consideration. The learned counsel for the appellant/defendant submitted that the appellant/defendant will be present before the concerned Sub Registrar Office and will execute the sale deed in favour of the respondent/plaintiff.

5. In the result, Recording the joint memo of compromise this appeal suit is dismissed. The joint memo of compromise shall form part and parcel of the decree. No costs.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

kmk

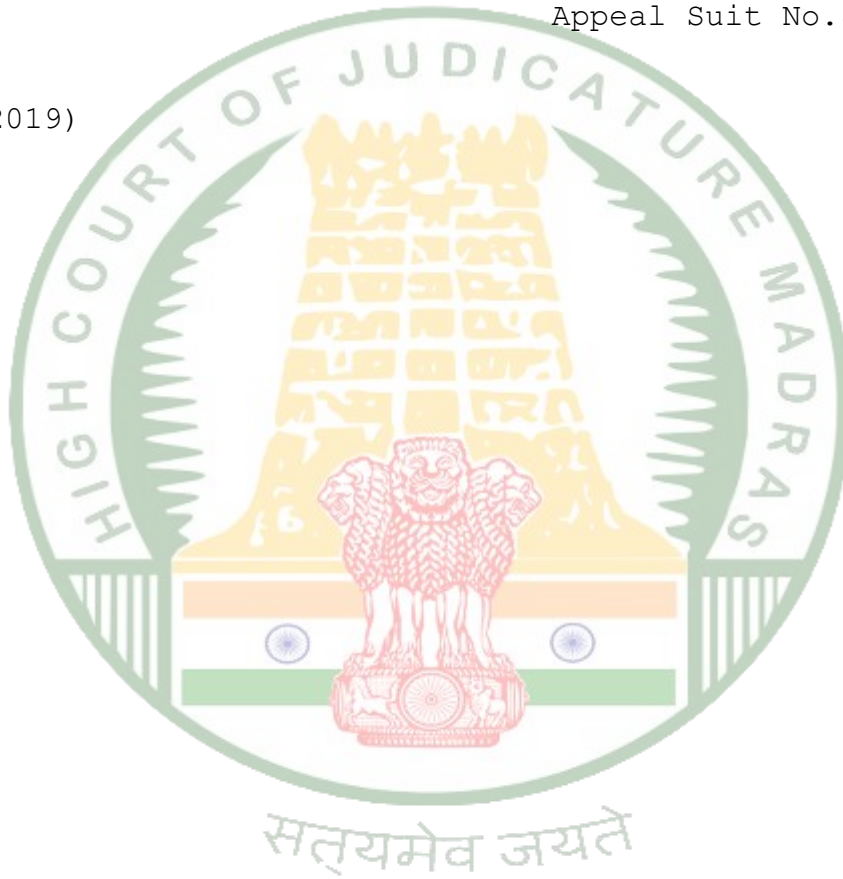
To

The Additional District Judge,
Fast Track Court-III, Chennai.

+1 CC to Mr.A.S.Kailasam & Associates sr 36075.
+2 CC to Mr.S.Kanniah, Advocate sr 36249.

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TM(CO)
SP(11/06/2019)



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