

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

A.S.No.317 of 2018
and
C.M.P.No.7843 of 2018

1.K.Ramachandran

2.R.Jayalakshmi

3.R.Kannadasan

4.R.Palani ... Appellants/Plaintiffs

Vs

1.V.S.Krishnamurthy

2.Bhavani Krishnamurthy

3.V.K.Praveen Kumar

4.V.K.Pradeep ... Respondents/Defendants

First Appeal filed u/s.96 of Code of Civil Procedure against the judgment and decree of learned Additional District Judge, Chengalpet, passed in O.S.No.423 of 2008 dated 30.11.2017.

For Appellants : Mr.S.Rajendrakumar

For Respondents: Mr.D.S.Ramesh

JUDGMENT

[Judgment was delivered by R.SUBBIAH, J]

This appeal has been filed against the judgment and decree of learned Additional District Judge, Chengalpet, passed in O.S.No.423 of 2008 dated 30.11.2017, dismissing the suit for specific performance filed by appellants.

2. Heard learned counsel for appellants and learned counsel for respondents.

3. Today, when the matter is taken up for consideration, it is represented by both learned counsel that the parties have amicably settled the dispute among themselves and a Memorandum of Compromise has also been filed to that effect. All appellants and first respondent are present before this Court. It is represented that respondents 2 and 3 are wife and son of first respondent. Fourth respondent is another son of first respondent, who presently is at United Kingdom and he has given power to first respondent/his father to act on his behalf. A xerox copy of the Power of Attorney has also been annexed along with the Memorandum of Compromise. Learned counsel for respondents submits that the original Power of Attorney was filed before this Court in another suit in C.S.No.33 of 2004.

4. We enquired appellants and first respondent. Appellants have expressed their consent for settlement and to receive a total sum of Rs.60,35,275/- towards final settlement. It is represented that respondents have already deposited a sum of Rs.38,74,000/ to the credit of the suit in O.S.No.423 of 2008 on the file of learned Additional District Judge, Chengalpet, which appellants can withdraw by making appropriate application. The balance sum of Rs.21,61,275/- will be paid by way of four Demand Drafts.

5. The Memorandum of Compromise dated 25.09.2019, signed both by parties as well as their respective learned counsel, reads as follows:

'MEMORANDUM OF COMPROMISE

The Appellants have filed the above regular appeal against the judgement and decree of the Additional District Court, Chengalpet dated 30.11.2017 in O.S.No.423 of 2008 dismissing the suit for specific performance filed by the Appellants.

The Appellants and Respondents have agreed to compromise the above appeal on the following terms:

1. The Respondents have agreed to return the amounts paid by the Appellants from the date of payment with interest @ 9% p.a. to till date. A separate working sheet is annexed reflecting the interest calculation.
2. The Respondents have already deposited Rs.38,74,000/- to the credit of the suit after obtaining orders from this Hon'ble Court in CMP No.20428 of 2018 dated 04.03.2019.
3. The Respondents further agree to render all help to the appellants for refund of the amount deposited by them to the credit of the suit in O.S.No.423 of 2008

on the file of the Additional District Court, Chengalpet.

4. The Respondents hereby pay the remaining amount of Rs.21,61,275/- by way of the following Demand Drafts drawn on Yes Bank, Ashok Nagar Branch, Chennai:

S.No	Date	DD No's	In favour of	Amount
1	14.10.2019	146505	R.Kannadhasan	5,40,320/-
2	14.10.2019	146506	R.Jayalakshmi	5,40,320/-
3	14.10.2019	146507	K.Ramachandran	5,40,320/-
4	14.10.2019	059050	R.Palani	5,40,320/-
				Rs.21,61,280/-

5. The Respondents further agree to render help to the Appellants to get back the amount deposited by the Appellants i.e. Rs.32,50,000/- being the balance sale consideration to the credit of the said suit.
6. The Respondents have no objection for the Appellants getting back the court fee paid by them.
7. The 4th Respondent is at present working in United Kingdom. However the 4th Respondent has already given a Power of Attorney appointing the 1st Respondent herein to act on his behalf in this respect.'

6. Recording the Memorandum of Compromise dated 25.09.2019 entered between the parties, the First Appeal is disposed of. The Memorandum of Compromise dated 25.09.2019 shall form part of the decree. No costs. Connected miscellaneous petition is closed.

Registry is directed to refund the Court fee as per the rules.

*Copy of the Memorandum of Compromise enclosed

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

gm

To
The Additional District Judge, Chengalpet.

Copy To
The Section Officer,
VR Section,
High Court, Madras

+1cc to Mr.D.S.Ramesh, Advocate SR.No.86779

+2cc to M/s.Span Associates, Advocate SR.No.87190

A.S.No.317 of 2018

SAI(CO)
GMY(04/11/2019)