



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

A.S.(MD)No.169 of 2013

and

M.P(MD)No.3 of 2013

and

C.M.P(MD)No.643 of 2018

1.M.Hariharan

2.M.Rajeswari

3.M.Sivakami

... Defendants/Appellant

Vs.

R.Manoharan

... Plaintiff/Respondent

Prayer : Appeal filed under Section 96 of the Code of Civil Procedure, against the judgment and decree dated 30.09.2013 in O.S.No.100 of 2011 on the file of the III Additional District Judge, Tiruchirappalli.

For Appellants : Mr.K.Govindarajan

For Respondent : Mr.K.S.Sankhar Murali

* * * * *

JUDGMENT

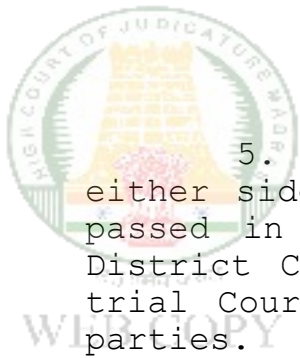
[Judgment of the Court was delivered by **M.DURAI SWAMY, J.**]

Challenging the judgment and decree dated 30.09.2013 made in O.S.No.100 of 2011 on the file of the III Additional District Court, Tiruchirappalli, the defendants have filed the above appeal.

2. The respondent/plaintiff filed a suit in O.S.No.100 of 2011 for specific performance. The trial Court, by its judgment and decree dated 30.09.2013, decreed the suit. Aggrieved over the same, the defendants have filed this appeal.

3. Today, when the matter is taken up for hearing, Mr.K.Govindarajan, learned Counsel for the appellants and Mr.K.S.Sankhar Murali, learned Counsel for the respondent submitted that the parties had entered into a compromise and agreed for setting aside the judgment and decree dated 30.09.2013 passed in O.S.No.100 of 2011 on the file of the III Additional District Court, Tiruchirappalli and remitting the matter back to the trial Court for recording the settlement.

4. The learned Counsel on either side filed a Joint Memo, dated Nil, before this Court today.



5. In view of the Joint Memo filed by the learned Counsel on either side, we set aside the judgment and decree dated 30.09.2013 passed in O.S.No.100 of 2011 on the file of the III Additional District Court, Tiruchirappalli and remand the matter back to the trial Court for recording the compromise entered into between the parties.

6. In these circumstances, this Appeal Suit is allowed and there shall be no order as to costs. The Joint Memo, dated Nil, filed by the learned Counsel on record shall form part of the judgment and decree. The appellants are entitled to get refund of the Court fees as per Section 67 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.
rsb

To
The III Additional District Judge,
Tiruchirappalli.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2c)

+2cc to Mr.K.GOVINDARAJAN, ADVOCATE, SR NO.103672
+1cc to Mr.K.SANKHARMURALI, ADVOCATE, SR NO.103664

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KK/SAR/12.12.2019/2P-7C/