



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

C.R.P (PD) (MD) .No.1386 of 2011 and
M.P. (MD) No.1 of 2011

1.R.Lakshmi @ Ponnammal
2.Rajendran
3.R.Rangasamy

.. Petitioners/Petitioners

Vs.

C.Selvaraj

.. Respondent/Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decreetal order dated 25.01.2011 passed in I.A.No.79 of 2010 in unnumbered A.S.No.-- of 2010, on the file of the learned Subordinate Judge, Palani.

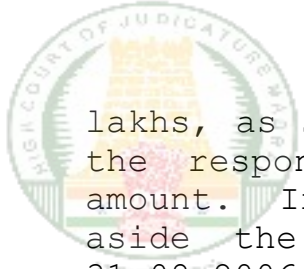
For Petitioners : Mr.H.Lakshmi Shankar
For Respondent : Mr.D.Venkatesh

ORDER

This Civil Revision Petition has been filed by the defendant in the suit in O.S.No.505 of 2004.

2.The respondent herein filed a suit for specific performance on the basis of an agreement, dated 23.01.2001 and for consequential reliefs. The suit came to be decreed as prayed for by judgment and decree, dated 31.08.2006. Aggrieved by the same, the defendant has preferred an appeal with a delay of 1398 days. The lower court dismissed the petition to condone the delay of 1398 days in filing the first appeal. Aggrieved by the same, the civil revision petition has been filed.

3.During the pendency of the civil revision petition, the revision petitioners and the respondent have negotiated and finally settled their dispute amicably. The parties have also entered into a joint memo of compromise. The revision petitioner agreed to pay a sum of Rs.14 lakhs as full and final settlement to the respondent/plaintiff. Upon receipt of the said amount, the respondent/plaintiff has stated that he has no objection to set aside the decree passed by the trial court in the suit in O.S.No.505 of 2004 on the file of the Principal District Munsif, Palani. Accordingly, the revision petitioners paid a sum of Rs.14



lakhs, as stated in the joint memo of compromise on 28.04.2019 and the respondent/plaintiff acknowledged the receipt of the said amount. In view of the compromise, the parties have agreed to set aside the judgment and decree in O.S.No.505 of 2004, dated 31.08.2006, and the respondent also given an undertaking to execute any document in favour of the revision petitioners/defendants to confirm their title over the suit properties. The execution petition in E.A.No.136 of 2011 before the District Munsif, Palani, which is pending for delivery of the suit property has been withdrawn. In tune with compromise, the parties have agreed to supersede the decree, dated 31.08.2006 passed in O.S.No.505 of 2004.

4.The parties are present before this Court except the first petitioner who is stated to be an aged person. Having regard to the statement of learned counsel appearing on either side, this Court is inclined to pass the judgment and decree in terms of compromise memo filed by the parties, dated 08.06.2019.

5.As a result, the judgment and decree passed in O.S.No.505 of 2004, on the file of the Principal District Munsif, Palani, dated 31.08.2006 is set aside and the respondent has no further claim against the appellant in the unnumbered first appeal of 2010 pending before the Sub Court, Palani.

6.In view of the fact that the judgment and decree in O.S.No.505 of 2004, dated 31.08.2006, is set aside, the decree stands modified to the extent stated above. The joint compromise memo signed by the parties in the presence of Advocate shall form part of the decree.

7.Accordingly, this civil revision petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Encl:Xerox copy of joint compromise memo

To

1.The Sub Judge, Palani.

2.The Principal District Munsif, Palani.



3.The Section Officer, E.R/V.R.Section,-3 COPIES
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-70240[F] dated
20/06/2019)

TM

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