



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.09.2020
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

**A.S(MD)Nos.6 and 7 of 2018
and
C.M.P(MD)Nos.294 and 300 of 2018**

A.S(MD)No.6 of 2018:

- 1.Pandiyan Hospital and Medical Research Foundation,
A Charitable Trust, rep. by its Managing Trustee,
Dr.A.D.J.Jayasarathi Pandian,
Jawahar Hospital,
14, K.K. Nagar Main Road, Madurai - 20.
- 2.Dr.A.D.J.Jayasarathi Pandian,
S/o. A.D.J.Jawaharlal Pandian,
Managing Trustee,
Pandiyen Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road, Madurai - 20.
- 3.J.J.Karthilakshmi,
S/o. A.D.J.Jayasarathi Pandian,
Life Joint Managing,
Pandiyen Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road, Madurai - 20.
- 4.Dr.Jeyadharma Pandiyan,
S/o. A.D.J.Jayasarathi Pandian,
Life Time Trustee,
Pandiyen Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road, Madurai - 20.
- 5.Jawahar Hospital rep. by its Managing Trustee
Dr.A.D.J.Jayasarathi Pandiyan,
S/o. A.D.J.Jawaharlal Pandian,
Pandiyen Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road, Madurai - 20. .. Appellants /
Defendants 1 to 4 and 8
Vs.

1.Porkodi .. 1st Respondent / Plaintiff

2.J.Chandralekha,
Trustee,
Pandiyen Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road, Madurai - 20.



3.B.Ramachandran
4.R.Vijaya
5.P.Asokan
6.A.Nagalakshmi
7.A.Ramkumar
8.A.Premkumar

.. Respondents 2 to 8/
Defendants 5 to 7 & 9 to 12

A.S(MD)No.7 of 2018:

- 1.Pandiyan Hospital and Medical Research Foundation,
A Charitable Trust, rep. by its Managing Trustee,
Dr.A.D.J.Jayasarathi Pandian,
Jawahar Hospital,
14, K.K. Nagar Main Road,
Madurai - 20.
- 2.Dr.A.D.J.Jayasarathi Pandian,
Managing Trustee,
Pandiyan Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road,
Madurai - 20.
- 3.J.J.Karthilakshmi,
Life Joint Managing,
Pandiyan Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road,
Madurai - 20.
- 4.Dr.Jeyadharma Pandiyan,
Life Time Trustee,
Pandiyan Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road,
Madurai - 20.
- 5.Jawahar Hospital rep. by its Managing Trustee
Dr.A.D.J.Jayasarathi Pandiyan,
Pandiyan Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road,
Madurai - 20.

.. Appellants /
Defendants 1 to 4 and 8

Vs.

- 1.Anitha .. 1st Respondent / Plaintiff
- 2.J.Chandralekha,
Trustee,
Pandiyan Hospital and Medical Research Foundation,
14, K.K. Nagar Main Road,
Madurai - 20.



3.B.Ramachandran

4.R.Vijaya

5.P.Asokan

6.A.Nagalakshmi

7.A.Ramkumar

8.A.Premkumar

.. Respondents 2 to 8/
Defendants 5 to 7 and 9 to 12

COMMON PRAYER: Appeal Suits are filed under Section 96 of the Code of Civil Procedure, 1908 against the Judgments and decrees, dated 08.03.2017 passed in Original Suit Nos.84 and 86 of 2012 by the First Additional District Court, Madurai.

For Appellants : Mr.Niranjana S.Kumar
in both appeals

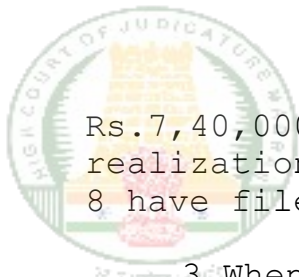
For Respondent No.1 : Mr.K.Prabhakar
in both appeals

For Respondents 3 to 8 : No appearance
in both appeals

COMMON JUDGMENT

The 1st respondent in A.S(MD)No.6 of 2018 as plaintiff filed the suit in O.S.No.84 of 2012 for recovery of a sum of Rs.21,41,799.90 with subsequent interest at the rate of 12% per annum on the principal amount of Rs.8,10,000/- from the date of plaint till the date of realization and also for costs. The Trial Court decreed the suit in part with proportionate costs and directed the 1st appellant / 1st defendant to pay a sum of Rs.14,28,886/- with interest at the rate of 6% per annum on the principal amount of Rs.8,10,000/- from the date of the suit till the date of realization. Against which, the appellants / defendants 1 to 4 and 8 have filed A.S(MD)No.6 of 2018.

2.The 1st respondent in A.S(MD)No.7 of 2018 as plaintiff filed the suit in O.S.No.86 of 2012 for recovery of a sum of Rs.17,74,760/- with subsequent interest at the rate of 12% p.a. on the principal amount of Rs.7,40,000/- from the date of plaint till the date of realization and also for costs. The Trial Court decreed the suit in part with proportionate costs and directed the 1st appellant / 1st defendant to pay a sum of Rs.13,03,694/- with interest at the rate of 6% per annum on the principal amount of



Rs.7,40,000/- from the date of the suit till the date of realization. Against which, the appellants / defendants 1 to 4 and 8 have filed A.S(MD)No.7 of 2018.

3. When the appeals came up for hearing today, the learned counsel appearing for the appellants in both the appeals would submit that after passing Judgments in the suits, execution proceedings were initiated in E.P.Nos.4 and 5 of 2017 and during pendency of these appeals, both parties entered into a compromise and based on the compromise, the appellants paid the entire decretal amounts and after recording the full satisfaction memo, E.P.Nos.4 and 5 of 2017 were already terminated and therefore, nothing survives for adjudication in these appeals and the Court fee paid in the appeals, may be ordered to be refunded to the appellants. He has also circulated a letter, dated 25.08.2020, to that effect.

4. The learned counsel for the appellants would further submit that at the time of granting an order of ad-interim stay in A.S(MD) No.6 of 2018, this Court, vide order, dated 23.02.2018, made in C.M.P(MD)No.294 of 2018, directed the appellants to deposit a sum of Rs.5,00,000/- [Rupees five lakhs only] in O.S.No.84 of 2012 on the file of the First Additional District Court, Madurai, and accordingly, the appellants deposited the said amount before the Trial Court and since the appellants paid the entire decretal amount and the execution proceedings were terminated, he seeks permission of this Court to withdraw the said amount.

5. Recording the submission of the learned counsel for the appellants and the letter, dated 25.08.2020, both the appeal suits are dismissed as infructuous. The Court fee paid on both the appeals, is ordered to be refunded to the appellants, in accordance with law. Since the appellants paid the entire decretal amounts in both the suits and the execution proceedings were terminated, the appellants are permitted to withdraw the amount deposited before the Trial Court in O.S.No.84 of 2012, as per the order, dated 23.02.2018, passed in C.M.P.No.294 of 2018, in the manner known to law. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The First Additional District Judge,
Madurai.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

**COMMON JUDGMENT MADE IN
A.S (MD) Nos.6 and 7 of 2018
09.09.2020**

smn
SDS (01.10.2020) 5P-4C