



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.No.409 of 2000

T.Tamilarasi @ Seethalakshmi

... Appellant/Appellant/Plaintiff

...Vs...

1.Palanivelu Pillai (Died)

2.Saraswathi

..Respondents/Respondents/Defendants

3.Mrs.Kirubavathi

4.Mrs.Jayam

5.Mrs.Mangaiyarkarasi

6.Mrs.Savithiri

7.Mrs.Vasuki

8.Mrs.Sasidevi

9.Mrs.Kalavathy

(RR3 to 9 brought on record as LR's of the deceased 1st and 2nd Respondent Viz.Palanivelu Pillai and Saraswathi vide order of Court dated 15.02.2021 made in CMP.18186 to 18188 of 2019 in SA.409/2000)

Prayer:- Appeals filed under Section 100 of the Civil Procedure Code against the Decree and Judgment dated 24.12.1999 made in A.S.No.149 of 1998 on the file of the Additional District Judge-cum-Chief Judicial Magistrate, Nagappattinam in confirming the Decree and Judgment dated 17.07.1998 made in O.S.No.267/1995 on the file of the Additional Subordinate Judge, Mayiladuthurai.

For Appellant : Mr.R.Govindaraj

For Respondents : Mr.Kolandasamy

J U D G M E N T

The plaintiff has filed the suit for Specific Performance of the suit sale agreement or in the alternative refund of the advance amount. After trial, the trial Court has decreed the alternative relief and denied the main relief and hence he filed an appeal and the same was also dismissed and hence the Second Appeal.

2. Pending the Second Appeal, the parties have entered into



a compromise dated 27.11.2009 and the Memo of Compromise was recorded and the same was taken on file.

3. A part of the property was given to the plaintiff and the other parts were retained with the defendant 'B' schedule property and hence, the judgment and decree granted by the trial Court as modified by the lower Appellate Court shall stand modified in terms of the decree.

4. Accordingly, this Second Appeal is partly allowed to the extent indicated in the Memo of Compromise. No costs. The Memo of Compromise shall form part of the decree.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Judge-cum-Chief Judicial Magistrate,
Nagappattinam.
2. The Additional Subordinate Judge,
Mayiladuthurai.

Copy To

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.R.Govindaraj, Advocate, S.R.No.8393

S.A.No.409 of 2000

BR(CO)
GN(02/11/2021)