



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

S.A.No.1101 of 2015

and

M.P.No.1 of 2015

1. G.Kalavathi
2. G.Moogambigai
3. G.Bhuvaneswari
4. G.Rajeswari
5. G.Umamaheswari

... Appellants / Defendants 1 to 5

Vs.

1. R.V.Srinivasan
2. G.Yasodha

... Respondents / Plaintiffs / 6th Defendant

PRAYER: The Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 30.06.2015 made in A.S.No.19 of 2014 on the file of the I Additional District Court, Salem, confirming the Judgment and Decree, dated 08.01.2014 in O.S.No.180 of 2012 on the file of the II Additional Sub Court, Salem.

For Appellants : Mr.N.Manokaran
For Respondents : Ms.Zeenath Begam

J U D G M E N T

Aggrieved over the judgment and decree passed in A.S.No.19 of 2014 on the file of the I Additional District Court, Salem, dated 30.06.2015, the above second appeal has been preferred.

2. The learned counsel on either side submitted that both the parties have mutually agreed to resolve and settle the dispute among themselves. The parties have also filed a Joint Memorandum of compromise, dated 09.09.2021 evidencing such settlement. In the Joint Memorandum of Compromise, the parties have arrived at a settlement in the following terms:

- i. The appellants 2 to 5/defendants 2 to 5 agree to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) by way of two Demand Drafts bearing D.D. No.390452 dated



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24.08.2021 for Rs.5,00,000/- (Rupees five lakhs only) and D.D. No.390472 dated 25.08.2021 for Rs.5,00,000/- (Rupees five lakhs only) both drawn on State Bank of India, Salem Branch issued in the name of R.V.Srinivasan/Respondent/Plaintiff herein towards full and final satisfaction of the decree dated 08.01.2014 in O.S. No.180 of 2012 on the file of the Ld. Second Addl. Sub Court, Salem.

ii.The respondent/plaintiff agrees to receive the above payment of Rs.10,00,000/- (Rupees Ten Lakhs) by way of two Demand Drafts bearing D.D. No.390452 dated 24.08.2021 for Rs.5,00,000/- (Rupees five lakhs only) and D.D. No.390472 dated 25.08.2021 for Rs.5,00,000/- (Rupees five lakhs only) both drawn on the State Bank of India, Salem Branch, issued in the name of R.V.Srinivasan/Respondent/Plaintiff herein towards full and final satisfaction of the decree dated 08.01.2014 in O.S. No.180 of 2012 on the file of the Ld. Second Addl. Sub Court, Salem.

iii.The appellants agree to handover the demand drafts mentioned above on the date of the appearance of both the parties before the Hon-ble Court either through physical hearing or virtual hearing in S.A. No.1101 of 2015. The 1st respondent also agrees to receive the said Demand Drafts on and at the time of hearing in the above S.A. No.1101 of 2015.

iv.The 1st respondent/plaintiff agrees that the order of attachment made in REP. No.6 of 2016 passed by the Ld. First Additional Sub Court, Salem in execution of the decree dated 08.01.2014 made in O.S. No.180 of 2012 may be raised/ lifted, in respect of the property measuring 2519 sq.ft., bearing Old S.No. 57/2B1 corresponding to T.S. No.2 measuring 1722 sq.ft. and also T.S. No.3/1 measuring 797 sq.ft., in Ward M, Block 25, Meiyannur Village, Salem Taluk and District. Accordingly, REP No.6 of 2016 shall be terminated after raising the order of attachment.

v.The 1st respondent does not have any other claim against the appellants 2 to 5 in respect of the suit cheque dated 10.03.2009 executed by late P.Ganesan.

vi.In view of the settlement arrived at between the parties, the appellants 2 to 5 pray this Hon-ble Court to direct the Registry to refund the court fees of Rs.75,000/- after retaining the statutory deduction of Rs.100/-.

vii.The appellants 2 to 5 and the 1st respondent pray this Hon-ble Court to treat this Joint Memorandum of Compromise as part and parcel of the order to be passed in the above S.A. No.1101 of 2015.



3. Today, all the parties have appeared before this Court through Video conferencing and pursuant to the agreement entered into between the parties in the joint memorandum of compromise, the appellants 2 to 5 / defendants 2 to 5 handed over the demand drafts of Rs.10,00,000/- (Rupees Ten Lakhs only) to the 1st respondent / plaintiff and the 1st respondent/plaintiff also received the same. The demand drafts and other details have reduced into writing in the Joint Memorandum of compromise, dated 09.09.2021 which is filed before this Court on 21.10.2021 and the same was also duly signed by the respective counsels. The joint Memorandum states that the parties have no claims against each other.

4. In view of the above, the joint memorandum of compromise is taken on file and recorded. There will be a decree in terms of the joint memorandum of compromise. The joint memorandum of compromise filed by the parties shall form a part of the decree. Since the issue settled out of court, Registry is directed to refund the Court fee paid under Section 69 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955, after deduction of statutory dues. The Second Appeal is ordered in terms of Joint Memorandum of Compromise. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

vum

To

1. The I Additional District Court,
Salem.
2. The II Additional Sub Court,
Salem.
3. The Section Officer,
VR Section, Madras High Court,
Chennai.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.54558

S.A.No.1101 of 2015
and M.P.No.1 of 2015

SR[co]
NSK/01/06/2022