



A.S.No.610 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2021

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

A.S.No.610 of 2018

H.J.Jude Aruldoss

... Appellant

-Vs-

1.Rani Swaminathan

Rosalin Ignatius (Deceased)

(1st Defendant is representing the estate of the 2nd
defendant in the above suit as per order dated
23.12.2010 in I.A.No.76 of 2010)
(Amended as per order in I.A.No.5 of 2011
dated 07.02.2011)

2.Allukas Joseph Thomas
represented by his Power Agent
Alukka Joseph Vijaya

(Impleaded as per order in I.A.No.75 of 2015
dated 30.10.2015)
(Amended as per order in I.A.No.64 of 2016
dated 28.03.2016)

...Respondents



A.S.No.610 of 2018

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PRAYER: Appeal Suit is filed under Section 96 of CPC against the Judgment and Decree dated 03.11.2016 passed in O.S.No.12108 of 2010 on the file of XVII Additional City Civil Court at Chennai.

For Appellant : Mr.D.Saravanan
For Respondents : Mr.R.Gowthama Narayana
for M/s.Sudha Ramalingam for R1
R2 Notice Served - No Appearance

J U D G M E N T

The Appeal suit is filed against the Judgment and Decree dated 03.11.2016 passed in O.S.No.12108 of 2010 on the file of XVII Additional City Civil Court at Chennai.

2. For the sake of convenience, the parties are referred to as per their ranking in the trial Court.



A.S.No.610 of 2018

WEB COPY

3. Pending the Appeal Suit the parties amicably settled the issues between them by the Joint Compromise Memo dated 16.04.2021. The Joint Compromise Memo reads as follows:

"The Appellant and the 2nd respondent pray that this Honourable Court may be pleased to record the following Compromise between the Appellant and the 3rd Respondent and pass a decree in terms of the same:

1. The Appellant herein H.J.Jude Aruldoss, gives up all his claims he had made in respect of the suit property in the suit O.S.No.12108 of 2010, on the file of XVII Additional City Civil Court, Chennai. The Appellant has no objection for the 2nd Respondent executing the Decree dated 03.11.2016 by way of restitution.

2. The Appellant hereby gives consent for cancelling the Sale Deed dated 21.07.2014 registered as Document No.2407 of 2014 executed by the



A.S.No.610 of 2018

Honourable X Assistant Judge, City Civil Court, Chennai in his favour, as prayed for in E.P.No.1676 of 2018 on the file of XXVII Assistant Judge, City Civil Court, Chennai at the cost of the 2nd respondent. The Appellant has no objection for allowing the said E.P.

3. The Appellant hereby gives consent for delivery of possession of suit property, to the 2nd Respondent as prayed for in E.P.No.1676 of 2018 on the file of XXVII Assistant Judge, City Civil Court, Chennai. He shall deliver possession of the property to the 2nd Respondent in good condition.

4. The Appellant herein has redeemed the mortgage he has created on the suit property in favour of South Indian Bank, Padappai Branch, Kanchipuram. He declares that he has not created any other encumbrance on the property.

5. The Appellant shall deliver all documents of title and other documents in his possession in respect of the property, and in particular,

i. Sale Deed dated 21.07.2014 registered



A.S.No.610 of 2018

as Document No.2407 of 2014 executed by the Honourable X Assistant Judge, City Civil Court, Chennai in his favour.

ii. Deed of Mortgage created in favour of South Indian Bank, Padappai Branch, Kanchipuram.

iii. Deed of Redemption / Receipt executed by South Indian Bank, Padappai Branch, Kanchipuram in his favour.

iv. No Objection Letters executed by him for the purpose of

- Mutation of Patta in the name of 2nd Respondent.

- Mutation of Property Tax records with Corporation of Chennai and Metrowater.

6. In consideration of the above, the 2nd respondent herein, Allukas Joseph Thomas, agrees to



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A.S.No.610 of 2018

pay the Appellant a sum of Rs.22,00,000/- (Rupees Twenty Two Lakhs only), by DD No.130417132, 130417140, 130417157 Dated 16.04.2021 from Indian Overseas Bank, Santhome Branch, Chennai - 600 004 which includes the amount ordered in the decree dated 03.11.2016. This amount shall be paid after the above processes are over.

7. The 2nd Respondent agrees that he will withdraw the complaint made by him against the Appellant herein Case No.7 of 2020, in the Court of State Commissioner For Persons With Disabilities, Lady Willingdon College Campus, KamarajarSalai, Chennai.

8. The 2nd Respondent agrees that he will withdraw the complaints made by him against the Appellant herein in E-1, Mylapore Police Station, Mylapore, Chennai and other Forums.

9. The Appellant states that he has deposited a sum of Rs.19,95,000/- (Nineteen Lakhs and Ninety Five Thousand only) to the credit of the suit O.S.No.12108 of 2010, on the file of XVII Additional City Civil Court, Chennai and the 2nd respondent has "No Objection"



A.S.No.610 of 2018

*for the Appellant herein taking back the said amount by
filing appropriate application before the said Court.*

*10. The Appellant herein is entitled to refund of
the entire Court fee paid in the above A.S.No.610 of
2018, High Court, Madras.*

*Dated at Dubai / Chennai on this the 16th day of
April 2021.*

*sd/---,
Allukas Joseph
Thomas*

*sd/---,
Alukka Joseph Vijaya
(Power Agent of Allukas Joseph
Thomas)*

2nd Respondent

*sd/---,
Appellant*

*sd/---,
Counsel for Appellant
Respondent"*

*sd/---,
Counsel for 2nd*

4. In view of the above, this Appeal Suit is disposed of in terms of
Joint Compromise Memo. The Joint Compromise Memo shall form part
and parcel of the Decree. No costs.



A.S.No.610 of 2018

08.07.2021

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Index : Yes / No
Internet : Yes / No
Speaking order /Non-speaking order
rna

To

The learned XVII Additional Judge,
City Civil Court, Chennai.

G.K.ILANTHIRAIYAN, J.

rna

A.S.No.610 of 2018



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A.S.No.610 of 2018

08.07.2021