



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

A.S. No.304 of 2017

Haji Mohammed Maraikkar

...Appellant/Plaintiff

-vs-

1.A.Kursheed

2.A.Nazeer

3.A.Sajithabanu

4.A.Mumtaj

...Respondents/Defendants

Prayer: Appeal Suit filed under Section 96 of the Civil Procedure Code against the judgment and decree dated 07.12.2016 in O.S. No.489 of 2011 on the file of the III Additional District and Sessions Judge, Coimbatore.

For Appellant : Mr.C.R.Prasanan

For Respondents : Mr.K.S.Karthik Raja
for R1 to R3

R4 - Served - No appearance

JUDGMENT

(Judgment of the Court was made by T.RAJA,J.)

Mr.C.R.Prasanan, learned counsel appearing for the appellant and Mr.K.S.Karthik Raja, learned counsel appearing for respondents 1 to 3 produced a joint memo dated 22.02.2021 filed by the appellant and respondents 1 to 4 and signed by both the parties and the respective counsel. In the said memo, the terms of compromise read as under:

i)The respondents 1 to 4 agree that the above first appeal be allowed and a decree be passed for a sum of Rs.23,00,000/- (Rupees Twenty three lakhs only) against



them in O.S. No.489 of 2011 on the file of III Additional District and Sessions Judge's Court, Coimbatore.

ii)The respondents 1 to 4 agree that there will be a charge over the property subject matter of the said suit in O.S. No.489 of 2011 III Additional District and Sessions Judge's Court, Coimbatore for the decree amount of Rs.23,00,000/- (Rupees Twenty three lakhs only).

iii)The respondents 1 to 4 state that there is no encumbrance or alienation of the property made by them till this day. He respondents 1 to 4 also undertake that they would alienate the property subject matter of the suit in O.S. No.489/2011 only with prior notice to the appellant for the purpose of making payment of decree amount in favour of the appellant.

iv)The appellant/plaintiff is entitled to execute the decree and bring the property subject matter of the suit in O.S. No.489/2011 for sale in execution of decree for the purpose of realising the decree amount provided the respondents 1 to 4 did not pay the decretal amount of Rs.23,00,000/- within 6 months from today.'

2.In the light of the above memo, the appeal stands disposed of in terms of the joint compromise memo. Needless to mention that the compromise memo shall form part of the decree. No costs.

* Herein enclosed the Xerox copy of the Memo of Compromise

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The III Additional District and Sessions Judge,
Coimbatore.



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

+1cc to Mr.K.S.Karthik Raja, Advocate Sr No.12067

+1cc to Mr.C.R.Prasanan, Advocate Sr No.11846

A.S. No.304 of 2017

EV (CO)

PR (26/11/2021)