



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

AS (MD) NO.175 of 2011

and

M.P (MD) No.2 of 2011

1.Veronica Jeyaraj,
Wife of Jeyaraj,
Rose Mary Matriculation Higher Secondary
School,
Palayamkottai,
Tirunelveli - 627 002.

2.Rose Mary Education Society,
thorough its Secretary,
having the Office at Rosemary Matriculation
Higher Secondary School,
Palayamkottai,
Tirunelveli - 627 002

:Appellants/Defendants 2 and 3

.vs.

1.G.Selvaraj :First Respondent/Plaintiff

V.Rajamani(died on 20.07.2011)

2.R.Poomani

3.R.Subramanian

4.R.Thirunavukkarasu

5.R.Anbarasi Manimehalai

6.R.Balamurugan

7.R.Arularasi Esther

8.R.Sankari :Respondents 2 to 8/Third parties

(Cause-title accepted vide order of this Court made in
M.P(MD)No.1 of 2011 in A.S.SR(MD)No.37642 of 2011,
dated 02.08.2011)

(R2 to R8-given up vide endorsement made by the
first appellant/Veronica Jeyaraj, dated 24.2.2021)

PRAYER: Appeal, Suit filed under Section 96 of the Civil Procedure
Code praying this Court to set aside the judgment and decree passed
in O.S.No.30 of 2007, dated 30.06.2011, on the file of the Ist



Additional District Court, Tirunelveli.

For Appellants
For Respondent-1
For Respondents
2 to 8

:Mr.A.Sivaji
:Mr.Niranjan S.Kumar
:Given Up
(vide endorsement, dated
24.02.2021)

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JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Appeal Suit is directed against the judgment and decree passed in O.S.No.30 of 2007, dated 30.06.2011, on the file of the Ist Additional District Court, Tirunelveli.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court including the Joint Compromise Memo filed by both the parties.

3.The suit is filed by the first respondent herein/Plaintiff for the relief of specific performance. The said suit was decreed as prayed for by the Plaintiff. Aggrieved over the same, defendants 2 and 3 have filed the present Appeal Suit before this Court.

4.When the matter is taken up for hearing today, it is stated by the learned counsel appearing on either side that both the parties have entered into a compromise. The first defendant/Rajamani (deceased) was the original owner of the property, had entered into an agreement with one Selvaraj/Plaintiff/first respondent herein. In the meanwhile, the said Rajamani sold the property to the defendants 2 and 3. A Joint Compromise Memo has been entered into between Selvaraj/Plaintiff and the defendants 2 and 3. The owner of the property namely, Rajamani reported dead on 20.07.2011 and his legal heirs/respondents 2 to 8 are impleaded as respondents 2 to 8 in the Appeal Suit. The said Rajamani had already sold the property. He has got no right or title to the suit property. Therefore the first appellant has given up the respondents 2 to 8 in the main Appeal Suit and also filed a Joint Compromise Memo, dated 24.02.2021. Both the appellants as well as the first respondent herein have appeared before this Court in person and have signed the Joint Compromise Memo, dated 24.02.2021. Both the parties have accepted the terms of the Joint Compromise. The terms of the Joint Compromise filed by both the parties, reads as follows:

TERMS OF COMPROMISE

'1.The judgment and decree of the trial Court in O.S.No.30 of 2007, on the file of the Ist Additional District Court, Tirunelveli may be confirmed in respect of execution of sale deed in favour of Mr. G. Selvaraj/Plaintiff and the trial Court may be directed to execute the sale deed within a time frame.



2.The Judgment and decree of the trial Court in O.S.No.30 of 2007 on the file of Ist Additional District Court, Tirunelveli may be modified in respect of withdrawal of the deposited amount along with interest and since Mr.V.Rajamani had already received the sale consideration from Smt.Veronica Jeyaraj and Rose Mary Educational Society, therefore this Honourable Court may permit the appellants herein to withdraw the deposited amount along with interest, for which, the Plaintiff Mr.G.Selvaraj has no objection.''

5.The above Joint Compromise Memo is taken on file. In view of the above, the Appeal Suit is disposed of in terms of the Joint Compromise Memo. The Joint Compromise Memo shall form part and parcel of the Judgment and decree. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ENCL:Joint Compromise Memo dated 24.02.2021

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Ist Additional District Judge,
Ist Additional District Court,
Tirunelveli.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai(2 COPIES).

+1 CC to M/s.V.BALAJI, Advocate (SR-7001[F] dated 24/02/2021)

+1 CC to M/s.A.SIVAJI, Advocate (SR-7080[F] dated 25/02/2021)

AS(MD)NO.175 of 2011 and
M.P(MD)No.2 of 2011
24.02.2021