



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

A.S. (MD)No.367 of 2005

and

C.M.P. (MD)No.8736 of 2005

Thirugnana Sundari

... Appellant/Plaintiff

Vs.

A.Manoharan

... Respondent/Respondent

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, against the judgment and decree dated 24.11.2004 made in O.S.No.184 of 2004 on the file of the learned First Additional District Judge, (P.C.R. Court), Tiruchirapalli.

For Appellant : Mr.N.Krishnaveni, Senior Counsel,

For Mr.P.Thiyagarajan

For Respondent : Mr.K.S.Sankar Murali

JUDGEMENT

The plaintiff in O.S.No.184 of 2004 on the file of the I Additional District Court (PCR Court), Tiruchirapalli is the appellant in this appeal suit. The plaintiff filed the said suit seeking the relief of specific performance based on the sale agreement dated 23.07.2001. By the impugned judgment and decree dated 24.11.2004, while denying the relief of specific performance, the Court below directed the respondent to return the advance amount of Rs.1,05,000/- with interest. Questioning the same, this appeal suit came to be filed.

2.When the matter was taken up for final disposal, the learned counsel on either side informed the Court that there is a possibility of settlement between the parties. To enable the parties to resolve the issue amicably, the case was adjourned on more than one occasion. Today ie., 20.07.2021, when the matter was taken up for hearing, the parties have filed a joint compromise memo and the same has been duly counter signed by the learned counsel.

3.In view of the same, this appeal suit is disposed in terms of the joint memo of compromise dated 20.07.2021. The joint compromise memo shall form part of the decree. Since the matter has been settled out of Court, the appellant is entitled to refund of Court



fee. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

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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:

The first Additional District Judge, PCR Court,
Tirunelveli.

Copy to:

1.The Assistant Registrar, C.O.Department
Madurai Bench of Madras High Court,
Madurai.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-23352[F] dated 20/07/2021)

A.S. (MD) No. 367 of 2005
20.07.2021

RD(27.08.2021) 2P 6C