



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AS (MD) No.188 of 2015

and

MP (MD) No.1 of 2015

WEB COPY

Karunanithi

... Appellant/Defendant

Vs.

1.Maheswari Achi

2.Roja Achi

...Respondents /Plaintiffs

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, against the judgment and decreetal order dated 10.04.2015 by the learned I Additional District Judge (PCR), Thanjavur in O.S No.18 of 2011.

For Appellant	:	Mr.T.R.Rajagopalan, Senior Counsel for Mr.S.Deenadhayalan
For Respondents	:	Mr.T.Vadivel

JUDGEMENT

The defendant in O.S No.18 of 2011 on the file of the I Additional District Judge (PCR), Thanjavur is the appellant in this appeal. The respondents Maheswari Achi and Roja Achi filed the said suit for recovering a sum of Rs.11,46,000/- with interest. It was a suit on mortgage. The court below by the judgment and decree dated 10.04.2015 granted preliminary decree as prayed for. Challenging the same, this first appeal came to be filed.

2.The learned Senior Counsel Shri.T.R.Rajagopalan appeared for the appellant and Mr.T.Vadivel, the learned counsel appeared for the respondents.

3.I suggested to the learned Senior Counsel that he could use his good offices to amicably resolve the issue. The matter was adjourned. Today, when the matter was taken up for hearing, the learned Senior Counsel submitted that the matter has been amicably resolved. As per the compromise proposal, the appellant Shri.A.Karunanithi shall pay a sum of Rs.5.00 lakhs totally (Rs.2.50 lakhs in favour of Maheswari Achi and balance amount in favour of Roja Achi) within a period of three weeks from the date of receipt of a copy of this judgment.

4.Mr.T.Vadivel learned counsel representing the respondents on instructions submitted that the terms proposed by the defendant have been accepted by the plaintiffs. This appeal is disposed of in terms of the compromise as set out above by directing the appellant to pay the sum of Rs.5.00 lakhs (Rs.2.50 lakhs in favour of Maheswari Achi and balance amount in favour of Roja Achi) within a period of three weeks from the date of receipt of copy of the



judgment towards full and final satisfaction of the suit claim. The impugned judgment and decree passed by the trial court is set aside. The respondents will not have any claim against the appellant after such payment. After such payment is made by the appellant, a compliance memo shall be filed by the counsel for the appellant before the Registry. Thereafter, the court fee shall be refunded in view of the decision of the Hon'ble Supreme reported in (2021) 3 SCC 560 (**The High Court of Judicature at Madras rep.by its Registrar General vs. M.C.Subramaniam**). The learned Senior Counsel informed the court that the appellant has no objection for the respondents/plaintiffs to collect the court fee paid by the appellant towards this appeal from the Registry. Registry is directed to refund the court-fee paid towards this appeal to the respondents. The learned counsel for the respondents will not have any objection for the appellant's counsel to receive the document (ExA2) from the Registry after the compromise amount is paid. Appropriate application shall be filed by the appellant for return of Ex.A2 and the registry shall allow the same and return it to the appellant's counsel. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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 I Additional District Judge (PCR), Thanjavur.

Copy to :

1. The Record Keeper,
V.R. Section, Madurai Bench of Madras High Court, Madurai (2C).
 2. The Sub Assistant Registrar
Main (AE Section)
V.R. Section, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.P.VADIVEL, Advocate (SR-21821[F] dated 09/07/2021)
+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-21822[F] dated 09/07/2021)

AS (MD) No.188 of 2015

and

MP (MD) No.1 of 2015

08.07.2021

RC (26.07.2021) 2P-7C

<https://hcservices.ecourts.gov.in/hcservices/>