



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

SA(MD)No.341 of 2018

- 1) KAMALAVENI,,
W/O.S.NATRAJAN NO.76-77 1ST FLOOR III ,
CROSS NORTH HUDCO COLONY TATABAD ,
COIMBATORE 641 012..
- 2)A.Nirmala,
w/o.Arthanareeswaran,
No.19, New Raja colony, 5th st,
Tiruchirappalli. ... Appellants/Appellants/defendants 1&3
Vs
- 1 D.KAMARAJ,
S/O.THURVASALU, 40, EASWARAN KOIL ST.,,
NANDAMPAKKAM, CHENNAI-600 089..
- 2 K.MAHALAKSHMI,
W/O.V.KRISHNAMOORTHY, GOWRI ILLAM, NO.17,,
KAMBAR ST., 2ND CROSS ROAD, KUMARAN NAGAR,,
TIRUCHIRAPPALLI-17.. ... Respondent(/Respondents/plaintiff
and 2nd Defendant)

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree made in 25.10.2017 in A.S.No.32 of 2014 on the file of the Principal District Judge, Tiruchirappalli confirming the Judgement and decree dated 17.04.2013 in O.S.No.824 of 2010 on the file of the I Additional Subordinate Judge, Tiruchirappalli.

DECREE:-

This Second Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of Mr.Sangarmurali, Advocate for the Appellants and of R.MURALI FOR R1 and of K.GOVINDARAJAN, Advocate for the 2nd respondent, and the parties having settled their difference between themselves, and the



appellant as well as the respondents having filed the compromise memo before this court signed by the both parties, while records the Compromise memo this Court doth the order and Decree as follows:

1) That the appellants and the 2nd Respondent herein shall jointly execute the sale deed infavour of the plaintiff/1st Respondent herein, in respect of suit schedule property.

2) That all the parties be and hereby are agreed for revised sale consideration as RS.55,00,000/- (Rupees Fiftyfive Lakhs only). In the said consideration, the sum of Rs.4,58,334/- deposited by the plaintiff/1st Respondent before the Trial Court which is available till today with accrued interest shall be adjusted towards the revised sale consideration. The 1st and 2nd appellant be and hereby are entitled for Rs.20,00,000/- each and the 2nd Respondent is entitled for remaining Rs.15,00,000/-

3) That the appellants along with the 2nd Respondent herein shall execute the sale deed immediately before the appropriate Registrar Office as per the convenient of the 1st Respondent herein.

4) That the Appellants along with the 2nd Respondent herein shall handover the vacant possession of the suit property one day prior to the execution of sale deed.

5) That in view of the compromise, the Appellants No.1 and 2 and the 2nd Respondent are hereby acknowledged the receipt of the following amounts from the 1st Respondent/plaintiff.

*N.Kamala Veni, the 1st appellant received sum of Rs.10,00,000/- (Rupees Ten Lakhs only) vide D.D.No.505928, dated 22.11.2021 drawn from ICICI Bank.

*A.Nirmala, the 2nd appellant received a sum of Rs.10,00,000/- (rupees Ten Lakhs only) vide D.D.No.505927 dated 22.11.2021 drawn from ICICI Bank.

* K.Mahalakshmi the 2nd Respondent received a sum of Rs.7,50,000/- (Rupees seven Lakhs Fifty Thosund only) vide D.D.No.505929 dated 22.11.2021.

6) That the appellants along with the 2nd Respondent herein shall to receive the remaining revised sale consideration after adjusting the amounts as per clause (iii) above by way of demand draft on the date of execution of sale deed.

7) That the plaintiff/1st respondent herein shall withdraw the amount deposited by him before the Trial court in O.S.No.91 of 2005 on the file of District court, Trichy which was subsequently transferred and renumbered as O.S.No.824 of 2010 on the file of the file 1st Additional sub court, Trichy by the appellants along with



8) That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

- 1) The Principal District Judge,
Tiruchirappalli(compromise memo is enclosed)
- 2) The First Additional Subordinate Judge,
Tiruchirappalli.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.K.S.SANKAR MURALI, Advocate (SR-36244[F] dated
29/11/2021)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-36440[F] dated 29/11/2021
)

+1 CC to M/s.R.MURALI, Advocate (SR-36230[F] dated 29/11/2021)

ORDER DATED : 25/11/2021

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DECREE

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SA(MD). No.341 of 2018

Nature of Decree:- Disposed the Second Appeal preferred against the Judgment and decree of the Principal District Judge,Trichy dated 25/10/2017 made in Suit No.32 of 2014 preferred against the Judgment and decree of the I Additional Subordinate Judge, Tiruchirappalli made in Original Suit No.824 of 2010 dated 17/04/2013 etc., as stated within.

RD(28.03.2022) 3P 8C

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