



A.S.No.199 of 2009

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Date : 28.03.2022

CORAM:

**THE HONOURABLE TMT. JUSTICE S. KANNAMMAL**

**A.S.No.199 of 2009**

S.M. Narayanan

... Appellant/ Plaintiff

Vs.

1. R.P. Jaganathan (died)

2. G. Thangavelu (died)

... Respondents 1 & 2 /  
Defendants 1 & 2

3. J. Angu Lakshmi (died)

4. Visalatchi

5. Maheswari

6. Hari

... Respondents 3-6/  
[L.Rs.of 1<sup>st</sup> Respondent]

7. T.Jagathambal

8. T.Jayasurya

9. T.Jayasri

10.T.Sudha

... Respondents 7-10  
[L.Rs.of 2<sup>nd</sup> Respondent]

**PRAYER:** Appeal Suit is filed under Section 96 of the Civil Procedure Code to set aside the Judgment and Decree dated 17.10.2008 in O.S.No.193 of 2004 on the file of the learned Additional District Judge/Fast Track Court at Namakkal.



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A.S.No.199 of 2009

For Appellant : Mr. J. Hari Haran for  
M/s. K.V. Law Firm

For Respondents : M/s.K.V. Muthu Visakan

### **J U D G M E N T**

This Appeal Suit has been filed to set aside the Judgment and Decree of the Additional District Judge/Fast Track Court, Namakkal dated 17.10.2008 in O.S.No.193 of 2004.

2. Learned counsel for the Appellant and Respondents 4 to 10 present. Learned counsel for the Respondents filed Memo stating that the proposed 3<sup>rd</sup> Respondent Mrs. Angu Lakshmi died on 27.08.2021. The Memo is recorded.

3. Learned counsel for the Appellant and Respondents filed a Joint Memo of compromise, wherein it is stated that the Appellant filed the Original Suit seeking direction to the original defendants to pay jointly and severally a sum of Rs.11,40,000/- being the suit amount. After full trial the above suit was dismissed by the learned Trial Judge. Aggrieved over the same, the Plaintiff/Appellant herein has filed this Appeal Suit. During the pendency of the appeal suit, the original defendants/



A.S.No.199 of 2009

respondents 1 and 2 died and their legal representatives were brought on record as Respondents 3 to 10. On 27.08.2021 during the pendency of the suit, 3<sup>rd</sup> Respondent died. Now the Appellant and Respondent Nos.4 to 10 have been arrived at a compromise and decided to settle the issue amicably on the following terms of compromise:

### ***“TERMS OF COMPROMISE***

3. *The proposed respondents No.4 to 10 together have decided to pay the Appellant a sum of Rs.16,00,000/- (Rupees sixteen lacs only) towards the full and final settlement in the matter involved in the suit in O.S.No.193 of 2004 on the file of the learned Additional District Judge cum Fast Tract Judge, Namakkal against which the present Appeal Suit in A.S.No.199 of 2009 was filed and pending before the Hon'ble Court.*
4. *The proposed Respondents No.4 to 10 are jointly paying a sum of Rs.16,00,000/- as a full and final settlement in the following manner to the appellant.*

| <b><i>S.No.</i></b> | <b><i>Date</i></b> | <b><i>Bank</i></b> | <b><i>D.D.No.</i></b> | <b><i>Amount</i></b> |
|---------------------|--------------------|--------------------|-----------------------|----------------------|
| 1                   | 25.01.2022         | Axis Bank Ltd.     | 036293                | Rs.4,00,000/-        |
| 2                   | 25.01.2022         | LVB & DBS Bank     | 302622                | Rs.4,00,000/-        |
| 3                   | 18.02.2022         | LVB & DBS Bank     | 302632                | Rs.4,00,000/-        |
| 4                   | 18.02.2022         | Axis Bank Ltd.     | 036374                | Rs.4,00,000/-        |



A.S.No.199 of 2009

WEB COPY

5. *It is also stated the appellant has agreed to receive a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs) in the manner as stated above and thereafter all the issues involved in the present appeal suit shall stand settled between the parties.*

6. *It is prayed that this Joint Memo of Compromise and Annexure, the copies of aforementioned 4 Demand Drafts shall be part and parcel of the decree.”*

4. In the above joint compromise memo both the Appellant and the Respondent No.4 to 10 were made their signatures along with the their respective counsels. Learned counsels submitted that since the parties could not travel long journey and most of them are aged persons they could not make their physical appearance before the Court. The learned counsels further submitted that since they are the counsel on record and they have endorsed the signatures of their respective parties, the memo of compromise may be recorded.

5. Recording the above submissions made by both side learned



A.S.No.199 of 2009

counsels the Memo is recorded. The learned counsel for the Respondents handed over the above mentioned four (4) Demand Drafts to the learned counsel for the Appellant, who is authorised by the Appellant to receive the Demand Drafts, vide Authorisation Memo.

6. In view of the above, Appeal Suit is disposed of. The Joint Compromise Memo shall form part of the decree. Return of stamp duty as per rules. No costs.

**28.03.2022**

ggs

Index :Yes/No

Internet :Yes/No

Speaking/Non-speaking order

Copy to:

The Additional District Judge  
Fast Track Court,  
Namakkal.



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A.S.No.199 of 2009

**S. KANNAMMAL, J.**

ggs

**Judgment in**  
**A.S.No.199 of 2009**

**28.03.2022**