



WEB COPY



A.S.No.426 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.09.2022

CORAM:

THE HON'BLE MR. JUSTICE M. DURAISWAMY

AND

THE HON'BLE MR. JUSTICE SUNDER MOHAN

A.S.No.426 of 2022

and C.M.P. No.15430 of 2022

Selvi @ Kalaiselvi

... Appellant

v.

P.Karthikeyan

... Respondent

Appeal filed under Section 96 of CPC r/w Order 41 Rule 1 of CPC against the judgment and decree dated 03.09.2019 made in O.S. No.62 of 2016 on the file of the Principal District Judge, Krishnagiri.

For Appellant : Mr. C. Prabakaran

For Respondent : Mr.N.C.Ashok Kumar

JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

When the appeal is taken up for hearing, C. Prabakaran, learned counsel appearing for the appellant and Mr.N.C.Ashok Kumar learned counsel appearing for the respondent submitted that the parties have



A.S.No.426 of 2022

WEB COPY

settled the matter out of court and also entered into a joint memorandum of compromise, dated 07.09.2022. The learned counsels also produced a memorandum of compromise dated 07.09.2022, which has been signed by the appellant, respondent and their respective counsels.

2. As per Clause -C of the joint memorandum of compromise, the respondent-plaintiff agreed to cancel the Sale Agreement, which is the subject matter in O.S. No.62 of 2016, dated 30.10.2015, registered as Document No.3752 of 2015.

3. Mr.N.C.Ashok Kumar, learned counsel appearing for the respondent submitted that the respondent-plaintiff undertakes to cancel the sale agreement on or before 14.9.2022. The appellant and the respondent, who are also present in the court duly acknowledged the due execution of the joint memorandum of compromise and the respondent also agreed to the undertaking given by his counsel.

4. In view of the submissions made by the learned counsel on either



A.S.No.426 of 2022

WEB COPY

side, the joint memorandum of compromise dated 07.09.2022 is taken on record.

5. The Appeal is disposed of in terms of the memorandum of compromise dated 07.09.2022 and the terms of the compromise shall form part and parcel of the decree in the above Appeal. In view of the ratio laid down by the Hon'ble Supreme Court in the Judgment reported in **2021(3) SCC 560 [High Court of Judicature at Madras, Represented by its Registrar General Vs. M.C. Subramaniam and others]**, the appellant is entitled to get refund of the entire court fee paid in the First Appeal. No costs. Consequently, connected miscellaneous petition is closed.

[M.D., J.] [S.M., J.]
07.09.2022

Index : Yes/No

Internet: Yes

Rj



WEB COPY



A.S.No.426 of 2022

M. DURAISWAMY, J.
and
SUNDER MOHAN, J

Rj

A.S.No.426 of 2022
and C.M.P. No.15430 of 2022

07.09.2022