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A.S.Nos.66 and 100 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

A.S.Nos.66 and 100 of 2014

A.S.No.66 of 2014

1. B.Dilli Rani

2. B.Sivakumar

.. Appellants

Vs.

1. S.Koteeswara Rao

2. N.Sarada Devi

.. Respondents

Appeal Suit filed under Section 96 of the Code of Civil Procedure, against the Judgment and Decree, dated 14.08.2013 in O.S.No.12795 of 2010 on the file of the City Civil Court (Third Additional Judge), Chennai.

For Appellants : Ms.A.L.Ganthimathi

For Respondents : Mr.R.Annamalai for R1
Ms.N.Sarada Devi
(Party in person – R2)



A.S.Nos.66 and 100 of 2014

A.S.No.100 of 2014

N.Sarada Devi

.. Appellant

Vs.

1. S.Koteeswara Rao

2. B.Dilli Rani

3. B.Sivakumar

.. Respondents

Appeal Suit filed under Section 96 of the Code of Civil Procedure, against the Judgment and Decree, dated 14.08.2013 in O.S.No.12795 of 2010 on the file of III Additional Judge, City Civil Court, Chennai.

For Appellant : Mr.K.P.Gopalakrishnan

For Respondents : Mr.R.Annadurai for R1
Ms.A.L.Ganthimathi for R2 and R3

COMMON JUDGMENT

This Appeal is filed against the Judgment and Decree, dated 14.08.2013 in O.S.No.12795 of 2010 on the file of III Additional Judge, City Civil Court, Chennai.

2. The matter was referred to mediation and the parties have reached an agreement before the Mediator. The Mediation Centre has also sent a report along with the Settle Agreement. Before the Mediation Centre, the parties have arrived at a settlement in the following terms:



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“A. The parties herein agree for a judgment and decree in terms of this Settlement Agreement.

B. The parties hereby agree that the judgment and decree dated 14/08/2013 passed by the Learned III Additional City Civil Court, Chennai in O.S.No.12795 of 2010 shall stand nullified and the 1st Respondent/Plaintiff shall not claim any relief from the said suit.

C. The 1st Respondent/Plaintiff hereby declares that the Appellant/3rd Defendant has suitably compensated him for giving up his reliefs sought in O.S.No.12795 of 2010 and confirms the title of the Appellant/3rd Defendant to the suit property i.e. Building, Ground and premises bearing Door No.6/178 of Phase-1 of TNEB (MUDP-1) Kodungaiyur Scheme, Tamilnadu Housing Board, at Kaviyarasu Kannadasan Nagar, Kodungaiyur, Chennai-600118 plot measuring 1500 sq.ft. Comprised in Survey No. 170/3, part of Koduungaiyur Village of Fort Tondiarpet Taluk (now Perambur Taluk), Chennai District vide sale Deed dated 14/07/2006 registered as Doc.No.5966 of 2006 at the Office of the Sub-Registrar, Sembium and further declares that henceforth he shall not claim any right, title or enjoyment in the said property.



D. The Appellant/3rd Defendant has compensated the 1st Respondent/Plaintiff after entering into a sale agreement with Mr.S.Natarajan, son of late Mr.C.Subbiah, residing at No.6/13, First Cross Street, K.K.D.Nagar, kodungaiyur, Chennai-118 and the said Mr.S.Natarajan has taken the cheque for the compensation amount paid to the 1st Respondent/Plaintiff on behalf of the Appellant/3rd Defendant. In view of the same, the 1st Respondent/Plaintiff hereby agrees to stand as a witness/confirming party in the Sale Deed to be executed by the Appellant/3rd Defendant in favour of Mr.S.Natarajan.

E. The Appellants/Defendants 1 & 2 in A.S.No.66 of 2014 hereby agree to the above terms and also declare that they do not have any objection in the Appellant/3rd Defendant conveying the suit property in favour of Mr.S.Natarajan.

7. By signing this Agreement the Parties hereto state that they have no further claims or demand against each other with respect to A.S.No.100 of 2014 & A.S.No.66 of 2014 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.”



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3. Today, when the matter is taken up for hearing, the parties and their respective counsels have entered appearance before this Court. The parties agreed to the terms of the Settlement Agreement arrived at before the Mediation Centre. They have also filed a joint memo signed by the parties and their respective counsels wherein it has been stated that there is no objection on the side of the appellants for the 1st respondent to withdraw a sum of Rs.10,85,000/- which is deposited by the 1st Respondent as per the Judgment and Decree dated 14.08.2013 passed by the III Additional City Civil Court, Chennai. The Joint memo filed by the parties is extracted hereunder:

“1. The 1st respondent herein has filed the suit in O.S.No.12795 of 2010 for specific performance against the appellants herein. The suit was decreed in favour of the 1st respondent herein by the Hon'ble III Additional City Civil Court, Chennai, on 14.08.2013. As per the decree and Judgement, the 1st respondent herein has deposited a sum of Rs.10,85,000/- (Rupees Ten Lakhs and Eighty Five Thousand only), by Demand Draft, (D.D.No.161337), dated 22.08.2013, in the trial Court, in favour of the Registrar, City Civil Court,



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Chennai. Both the parties herein in the above appeal arrived into a compromise. The appellants hereby are having “No Objection”, for the 1st respondent herein withdrawing the above said deposit of Rs.10,85,000/- from the trial Court.

2. The said appeal was settled in mediation. The 3rd respondent herein have “No Objection” to the appellants getting the refund of Court fee from this Hon'ble Court.

Hence it humbly prayed that this Hon'ble Court may be pleased to record the memo to that effect both the parties are making an endorsement in the memo”

4. In view of the Settlement Agreement arrived at before the Mediator and the Joint memo, dated 12.07.2022, the First Appeals are disposed of. The 1st Respondent herein is at liberty to withdraw the sum of Rs.10,85,000/- from the trial Court. The Settlement Agreement and the Joint memo are taken on file and recorded and the same shall form a part of the decree. Refund the Court fee as per law. No costs.

12.07.2022

Note: Issue order copy on 14.07.2022

Index : Yes / No

Speaking or Non speaking order

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To

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1. The III Additional Judge, City Civil Court,
Chennai.
2. The Section Officer,
V.R. Section, High Court of Madras,
Chennai.

S.KANNAMMAL, J.



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