



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE SIXTH DAY OF JANUARY  
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

SA NO.587 OF 2018

P.Kuppusamy ... Appellant/2<sup>nd</sup> Respondent/ Assignee

VS.

1.V.Ramalingam  
2.R.Vijaya  
3.R.Priya  
4.R.Ramya  
5.Minor R.Venkatesh  
6.Minor R.Karthik  
7.Minor R.Sathishkumar

..Respondents /Appellants  
/ Defendants

Respondents 5 to 7 are minors  
Rep. by their next friend / father  
the 1st respondent V.Ramalingam

8.S.Murugan ... Respondent/1<sup>st</sup> Respondent/Plaintiff

PRAYER: Appeal against the judgment and decree dated 06.07.2018 made in A.S.No.82 of 2016 on the file of the 1st Additional District Judge, Salem, reversing the judgment and decree dated 18.04.2016 made in O.S.No.191 of 2015 on the file of the Principal Subordinate Judge, Salem.

DECREE: This Second Appeal coming on for hearing on this day, upon perusing the Grounds of Appeal, the Judgment and Decree 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.Parthasarathy Senior Counsel, for Mr.Adithya Varadarajan, Advocate for the Appellant, and of Mr.N.Umapathi, Advocate for the Respondents 1 to 7 and None Appeared in Person or by an Advocate for the eighth respondent and this observe that the transaction appear to be a real estate transaction and in the nature of commercial transaction and therefore the rate of interest awarded by the First Appellate court is on the lower side and that the appellant has already deposited the balance sale consideration in court, this court doth order and decree as follows:



(i) That the Judgment and Decree dated 06.07.2018 made in A.S.No.82 of 2016 passed by the 1st Additional District Judge, Salem, reversing the judgment and decree dated 18.04.2016 made in O.S.No.191 of 2015 passed by the Principal Subordinate Judge, Salem be and hereby are confirmed and this Second Appeal is dismissed.

ii) That the Judgment of the First Appellate Court be and hereby is modified to an extent of awarding interest @ 15% per annum from the date of sale agreement i.e., 31.12.2014 till the date of the deposit.

iii) That the appellant herein/ Assignee be and hereby is permitted to withdraw the same with accrued interest.

(iv) That the respondents herein/ Defendants be and hereby are directed to deposit the amount within a period of eight weeks from the date of receipt of a copy of the this judgment.

(v) That there be no costs in this Second Appeal.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The First Additional District Judge  
The First Additional District Court  
Salem.

2.The Principal Subordinate Judge  
The Principal Subordinate Court  
Salem.

Copy To:

The Section Officer,  
V.R Section,  
High Court, Madras.

+1cc to Mr.N.Damodaran, Advocate, S.R.No.1421  
+1cc to Mr.Adithya Varadarajan, Advocate, S.R.No.1422  
+1cc to Mr.N.Umapathi, Advocate, S.R.No.1860



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DATED: 06/01/2022

DECREE:

SA NO.587 OF 2018

Dismissing the Appeal preferred against the judgment and decree dated 06.07.2018 made in A.S.No.82 of 2016 on the file of the 1st Additional District Judge, Salem, reversing the judgment and decree dated 18.04.2016 made in O.S.No.191 of 2015 on the file of the Principal Subordinate Judge, Salem etc., as stated within.

NMI (CO)  
SB(01/06/2022)