



AS (MD)No.34 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.09.2022

CORAM

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**AS (MD)No.34 of 2012
and M.P.No.1 of 2012**

M/s.Raja Warehouse Logistics
No.6 Ariyalor
Thandavarayan Street,
Ariyalur Taluk
Perambur District
rep. by its Partner
A.Hyder Ali

.. Appellant/6th defendant

Vs.

1.A.Rias
2.K.Alagurai
3.N.Ravikumar
4.R.Jeyaraman
5.S.Arunachalam
6.A.Radha

.. Respondent/plaintiff

.. Respondents/
defendants 1 to 5

Prayer : Appeal Suit is filed under Section 96 of the Code of Civil Procedure against the decree and judgment passed in O.S.No.2 of 2008 on the file of the Additional District Court/Fast Track Court, No.I, Tuticorin, dated 12.07.2011.



AS (MD)No.34 of 2012

For Appellant : Mr.G.Mohankumar

For Respondent : No appearance

JUDGMENT

J. NISHA BANU,J.
and
N. ANAND VENKATESH,J.

This appeal has been filed by the 6th defendant against the judgment and decree passed in O.S.No.2 of 2008 dated 12.07.2011 on the file of the Additional District Court/Fast Track Court, No.I, Tuticorin.

2. The suit was filed by the first respondent, who was the power agent of the respondents 2 to 6/defendants 1 to 5 seeking for the relief of specific performance. The suit was decreed as prayed for.

3. During the pendency of this appeal, the parties entered into a compromise and a joint compromise memo has been filed before this Court, which has been signed by the parties as well as their respective counsel.



AS (MD)No.34 of 2012

4. The parties were also present at the time of hearing. The first respondent is the power agent of respondents 2 to 6. For proper appreciation, the relevant portions of the compromise are extracted hereunder:

“2. ...

(a) The 1st respondent/decree holder hereby agrees that sale deed dated 12.11.2007, executed by the 5th defendant in favour of the appellant/6th defendant is true and valid.

(b) The 1st respondent/decree holder hereby agrees that the appellant is having title and possession over suit schedule properties pursuant to sale deed dated 12.11.2007.

(c) The 1st respondent/decree holder hereby acknowledges the receipt of Rs.5,00,000/- (five lakhs only) from the appellant towards settlement of the issues and agrees and not to disturb the possession of the appellant.

(d) The 1st respondent/decree holder hereby agrees that he would claim and recover the amount paid by him towards the suit agreement from the respondents 2 to 5 herein/defendants 1 to 4 through legal proceedings.

(e) The 1st respondent/decree holder hereby agrees that the will not execute the decree dated 12.07.2011,



made in O.S.No.2 of 2008 before Additional District Court (FTC No.1) Tuticorin and the First respondent namely A.Rias may be permitted to take the balance sale consideration of Rs.11,61,990/- (Rupees eleven lakhs sixty one thousand nine hundred and ninety only) with accrued interest which was deposited in the court below by the first respondent.

(f) The parties hereby agree that the above first appeal may be disposed off on the above terms of compromise.”

5. In view of the above, this appeal is disposed of in terms of the compromise memo and the compromise memo shall form part of the decree.

5. The first respondent had deposited the balance sale consideration of Rs.11,61,990/- before the trial Court and the same has been deposited in a fixed deposit and the interest is accruing towards the same. In view of clause 2(e) of the compromise memo, the first respondent is entitled to withdraw the said amount along with interest. The first respondent shall file a memo in this regard before the trial Court and the trial Court shall allow the same and permit withdrawal of the amount. In view of the compromise,



AS (MD)No.34 of 2012

the appellant is permitted for refund of the Court fees. No costs.
consequently connected Miscellaneous Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
29.09.2022

Internet : Yes

RR

To

1.The Additional District Court/
Fast Track Court, No.I,
Tuticorin,

2.The VR Section
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



AS (MD)No.34 of 2012

**J. NISHA BANU,J.
and
N. ANAND VENKATESH,J.**

RR

AS (MD)No.34 of 2012

29.09.2022