



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
AND
The Hon`ble Mr.Justice N.SATHISH KUMAR

AS (MD) . No.323 of 2008

- 1 G.KRISHNASAMY THEVAR
S/O.GURUSAMY THEVAR, 103 H RAILWAY FEEDER
ROAD, SIRUKULAM COLONY, SIVAKASI TOWN,
VIRUDHUNAGAR DISTRICT ...5th Defendant / 1st Appellant
- 2 S.LATCHAM
S/O.SELVAM, 103 H RAILWAY FEEDER ROAD,
SIRUKULAM COLONY, SIVAKASI TOWN,
VIRUDHUNAGAR DISTRICT. ...6th Defendant / 2nd Appellant
- 3 S.DEIVAM
S/O.SELVAM, 103 H RAILWAY FEEDER ROAD,
SIRUKULAM COLONY, SIVAKASI TOWN,
VIRUDHUNAGAR DISTRICT. ...7th Defendant / 3rd Appellant
- 4 S.SANTHOSAM
S/O.SELVAM, 103 H RAILWAY FEEDER ROAD,
SIRUKULAM COLONY, SIVAKASI TOWN,
VIRUDHUNAGAR DISTRICT. ...8th Defendant / 4th Appellant

.Vs.

- 1 N.M.JEGANATHAN CHETTIAR
S/O.N.MUNIYANDI CHETTIAR, 152 A, NORTH
VELI STREET, MADURAI ... 1st Plaintiff / 1st Respondent
- 2 G.GANGA
D/O.N.M.JEGANATHAN CHETTIAR, 152 A, NORTH
VELI STREET, MADURAI. ... 2nd Plaintiff / 2nd Respondent
- 3 T.PADMA
W/O.THIAGARAJAN CHETTIAR (LATE), 16 & 17,
GOOD SHED STREET, MADURAI.... 1st Defendant / 3rd Respondent



4 T.RAMANATHAN
S/O.THIAAGARAJAN CHETTIAR (LATE), 16 & 17,
GOOD SHED STREET, MADURAI.... 2nd Defendant / 4th Respondent

5 T.BADRINATH
S/O.THIAAGARAJAN CHETTIAR (LATE), 16 & 17,
GOOD SHED STREET, MADURAI.... 3rd Defendants / 5th Respondent

6 R.KAMALA
D/O.THIAAGARAJAN CHETTIAR (LATE), 16 AND 17,
GOOD SHED STREET, MADURAI. ... 4th Defendants / 6th Respondent

(R3 TO R6, ISSUANCE OF NOTICE IS DISPENSED
WITH, AS R3 TO R6 remained exparte,
vide order dt.11.02.2022)

Prayer:-

Appeal Suit filed under Section 96 of C.P.C., against the judgment and decree passed in O.S. No.480 of 2004 on the file of the Additional District Judge, Fast Track Court II, Madurai dated 14.09.2006.

DECREE:-

This Appeal having come up for final hearing on this date, in the presence of Mr.AL.Gandhimathi, for Mr.C.Mahadevan, Advocate for first and second and fourth Appellant and Mr.J.Jeyakumaran, Advocate for third appellant and Mr.G.Prabhu Rajadurai, Advocate for second respondent, Appellants and respondents herein having settled their differences and entered into compromise, requesting the court to pass a decree in the Appeal on the terms agreed between themselves through their respective advocates and having filed two joint compromise memos dated 21.04.2022, duly signed by the parties as well as by their Advocates, and upon perusing the grounds of appeal as well as the judgment and decree of the Court below and the records relating to the case, this court while recording the memorandum of compromise and disposing the Appeal Suit, in terms thereof, doth order and decree as follows :-

(1) That the Judgment and Decree in O.S. No.480 of 2004 passed by the Additional District Judge, Fast Track Court II, Madurai dated 14.09.2006 be and is hereby modified to the effect that interest at 6% per annum is payable on the decreed amount from the date of the decree (14.09.2006)) till the date of realization and not from the date of the Suit.

(2) That the appellants hereby undertake to pay the decreed amount as modified above within three months from this date.



(3) That the appellants will at liberty to withdraw the moneys deposited by them to the credit of the trial Court and pay it over to the respondents in view of the settlement arrived at.

(4) That the appellants undertake not to alienate the property attached in the suit till the payment of decree amount as modified.

(5) That there be no cost in the Appeal Suit.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of Joint Compromise memo.

To

The Additional District Judge, Fast Track Court II,
Madurai

Copy to:

- 1) The Sub Assistant Registrar (CO)
CO Department, Madurai Bench of Madras High Court, Madurai
- 2) The Section Officer,V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.J. JEYAKUMARAN, Advocate (SR-20585 dated 22/04/2022)

ORDER DATED : 22/04/2022

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DECREE

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AS(MD). No.323 of 2008

Nature of Decree:- Disposing the Appeal Suit preferred against the judgment and decree of the Additional District and Sessions Judge, FTC Madurai O.S. No.480 of 2004 dated 14.09.2006 and etc., as stated within.

kmk (CO)

TR(08.06.2022) 3P 6C

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