



A.S.(MD) Nos.288 & 289 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

A.S.(MD) Nos.288 & 289 of 2021

K.R.Sakthivel Raja

... Appellant in both appeals

-VS-

1.P.S.Balasubramanian

2.P.S.Kannan

3.P.S.Rajendiran

4.P.S.Gnaneswaran
[R3 is represented through
his Power Agent R2]

... Respondents 1 to 4 in
both appeals

5.The District Collector
Virudhunagar District
Virudhunagar

... 5th Respondent in
A.S.(MD) No.289 of 2021

PRAYER (in A.S.(MD) No.288 of of 2021): Appeal filed under Section 96 read with Rule 41, Rule 1 & 2 of the Code of Civil Procedure, against the order dated 27.07.2021, passed in O.S.No.60 of 2017, on the file of the Principal District and Sessions Court, Virudhunagar District @ Srivilliputhur.



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A.S.(MD) Nos.288 & 289 of 2021

PRAYER (in A.S.(MD) No.289 of of 2021): Appeal filed under Section 96 read with Rule 41, Rule 1 & 2 of the Code of Civil Procedure, against the order dated 27.07.2021, passed in O.S.No.85 of 2019, on the file of the Principal District and Sessions Court, Virudhunagar District @ Srivilliputhur.

For Appellant : Mr.P.Mahendran
For R1 to R4 : Mr.S.Venkatesh
(in both appeals)
For 5th Respondent : Mr.G.V.Vairam Santhosh
(in A.S.(MD) No.289/2021) Additional Government Pleader for R5

C O M M O N J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN, J.]

Challenging the common judgment and decree dated 27.07.2021, passed in O.S.Nos.60 of 2017 & 85 of 2019, by the learned learned Principal District Judge, Virudhunagar District @ Srivilliputtur, the appellant / defendant has filed the present appeals.

2. Now, the parties have entered into a compromise and filed a memo of compromise dated 27.07.2022. The said memo of compromise has been signed by both the parties and their respective counsels.



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A.S.(MD) Nos.288 & 289 of 2021

3. The terms and conditions of the memo of compromise dated 27.07.2022, read as under:

- “1. That the appellant / petitioner has agreed that he would handover the possession of the schedule premises mentioned in the above O.S.No.60 of 2017 to the Respondents / Landlords on 03.06.2022.*
- 2. That both the parties have decided to withdraw the personal allegations made against both parties in their pleadings and evidences adduced in this regard.*
- 3. It is further agreed that the appellant / petitioner can withdraw the amount of Rs.10.00 lakhs deposited by the appellant in the Court of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and the respondents have no objection whatsoever for such withdrawn by the appellant, subject to the orders of this Hon'ble Court.*
- 4. The Respondents herein are at liberty to take such further steps as owners of the suit properties namely the Santhi Theatres i.e.both Shanthi Mini A/c. and Shanthi along with the machineries building, fittings, Projectors, Gen Set, Electrical Fitting and EB Service connection etc., morefully situate in the suit premises.*



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A.S.(MD) Nos.288 & 289 of 2021

5. *The Appellant will not have any interest, title, possession or interest over the said properties.*
6. *The Respondents are at liberty to take further steps for the smooth running of the said theatres by moving the concerned authorities and the Appellant or his agent shall not interfere with the actions of the Respondents.*
7. *That both the parties hereby agree that there will not be any future claims whatsoever against the other party / parties with regard to the schedule properties.*
8. *After signing this, anyone of the parties can submit this to Hon'ble Court for recording this memo to get the same recorded and get the Appeals disposed by this Hon'ble Court based on this memo.*
10. The licensing Authorities / Local bodies can act on this memo and allow the Respondents to run the theatres smoothly by obtaining necessary licenses and this the Appellant have no objection.”

4. The memo of compromise dated 27.07.2022 is recorded.

5. The appeal suits are disposed of in terms of the memo of compromise dated 27.07.2022, which shall form part of the records. In view of the decision of the Hon'ble Apex Court in the case of **High Court of**



A.S.(MD) Nos.288 & 289 of 2021

Judicature at Madras v. M.C.Subramaniam [(2021) (1) MWN (Civil) 433], it

is for the respondents 1 to 4 / plaintiffs to file necessary application before the Trial Court for refund of Court fee and on filing such application, the Trial Court shall consider the same and pass appropriate orders. No costs.

[R.M.D., J.] [J.S.N.P., J.]

17.10.2022

Index : Yes / No

Internet : Yes / No

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To:

1.The Principal District and Sessions Judge,
Virudhunagar District @ Srivilliputhur.

2.The District Collector,
Virudhunagar District,
Virudhunagar.



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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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