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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday the 27th day of October Two Thousand Twenty Two

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

A.S(MD)Nos.102 of 2022 & 211 of 2010

A.S(MD)No.102 of 2022

O.**(*)C**.Ravichandran ... Appellant/1st Defendant

Vs.

1.R.M.Vijayalakshmi
2.R.M.Somasundaram
3.N.Alamelu
4.P.L.Nachammai
5.R.M.Sivakami ... 1 to 5 Respondents/Plaintiffs

(2 to 5 plaintiffs are represented through their mother and power agent 1st plaintiff)
6. Vijayalakshmi (died)
7.B.Sankaranarayanan ... Respondents 6 & 7/ 2 & 3 Defendants

PRAYER: Appeal filed under Section 96 of Code of Civil Procedure, against the decree and judgment dated 30.07.2010 in O.S.No.9 of 2008 on the file of the Fast Track Court, Dindigul.

A.S(MD)No.211 of 2010

1.Vijayalakshmi (died)
2.B.Sankaranarayanan ... Appellants/Defendants No.2 & 3

(First appellant died and the second appellant herein recorded as the only legal heir of the deceased first appellant, Memo USR No.198 dated 20.01.2011 recorded vide Court's order dated 02.12.2013.)

Vs.

1. R.M.Vijayalakshmi
2. R.M.Somasundaram
3. N.Alamelu
4. P.L.Nachammai
5. R.M.Sivakami ... Respondents 1 to 5/Plaintiffs

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(Respondents Nos.2 to 5 are represented through Power of Attorney by the 1st Respondent)

6. O.C.Ravichandran ... 6th Respondent/1st Defendant

PRAYER: Appeal filed under Section 96 of Code of Civil Procedure, against the decree and judgment dated 30.07.2010 in O.S.No.9 of 2008 on the file of the Additional District Judge, (Fast Track Court), Dindigul.

ORDER:- These Appeal Suit Petitions are coming under the caption "For Reporting Compliance" on this day and and upon hearing the arguments of Mr.Muthu Geethaiyan for Mr.S.Sarvagan Prabhu Advocate for the Petitioner in AS(MD).102 of 2022 and for the Respondent No.6 in AS(MD).211 of 2010; Mr.S.Parthasarathy, Advocate for the Respondent Nos.1 to 5 both in AS(MD).102 of 2022 and AS(MD).211 of 2010 ; Mr.M.P.Senthil, Advocate for the Respondent No.7 in AS(MD). 102 of 2022 and for the Appellant in AS(MD).211 of 2010, this Court made the following order:

Both the appeals were disposed of through a common judgment dated, 29.04.2022, after recording the compromise between the parties.

2. As per the compromise, a sum of Rs.1 Crore (Rupees One Crore only) was agreed to be paid to the respondents 1 to 5. Out of this amount, a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) was paid even at the time of passing the common judgment and the same is recorded in paragraph No.2 of the common judgment. The remaining amount of Rs.80,00,000/- (Rupees Eighty Lakhs only) was directed to be paid on or before 31.08.2022. Out of the sum of Rs.80,00,000/- (Rupees Eighty Lakhs only), a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) was paid on 30.08.2022. Since there was a delay in payment of the balance amount of Rs.70,00,000/- (Rupees Seventy Lakhs only), it was paid along with interest at the rate of 12% per annum and a total sum of Rs.70,98,000/- (Rupees Seventy Lakhs and Ninety Eight Thousand only) was paid on 12.10.2022 to the respondents 1 to 5. Accordingly, the entire amount as per the compromise has been paid and the receipts have also been filed before this Court, evidencing the payment of the amount.

3. The default clause in the memo of compromise, namely, clause (g), provides for creating a charge over the property, if the amount is not paid as per the compromise memo. Since the amount has been paid with interest, the operation of clause (g) in the compromise memo (clause 7 in the decree) ceases to be in operation.

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4. In view of the above, the compliance is recorded.

Sd/-

Assistant Registrar (CS III)

(*)Amendment ordered vide CMP(MD)No.1528/2023 in AS(MD) No.102/2022 by RSKJ & KKRKJ dated.26.04.2023.

Sd/-

Assistant Registrar ( )

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

(*)To be substituted to the order already despatched on 29.03.2023.

TO

The Additional District Judge,
Fast Track Court,
Dindigul.

Copy to:

The Section Officer,
V.R Section,
Madurai Bench of Madras High Court, Madurai (2 COPIES)

+1 CC to M/s.S.Sarvagan Prabhu, Advocate, SR-23864

+1 CC to M/s.M.P.Senthil, Advocate, SR51459

ORDER DATED : 27/10/2022

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ORDER

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AS(MD).102 of 2022
and
AS(MD). 211 of 2010

MGJ/SKN(14.11.2022) 3P 6C
SI(01.06.2023) 3P 6C

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