



A.S.No.103 of 2012 &
Rev.Appl.No.80 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

A.S.No.103 of 2012 &
Rev.Appl. No.80 of 2014
and
M.P.No.1, 2, 4 of 2012 & 1 of 2013

A.S.No.103 of 2012 :

Sri Saravanan & Co.,
Partnership Firm,
Represented by its Managing Partners,
1.K.Ramasamy (died)
2.V.Balasubramanian (Retired)

1.R.Kalaimani
Partner, Sri Saravanan & Co.
2.R.Saravanan
Partner, Sri Saravanan & Co.

... Appellants

*[A1 died and A2 retired. R.Kalaimani and
R.Saravanan, substituted as Managing Partners
in the place of A1 and A2 respectively,
vide order of Court dated 23.01.2023 made in
M.P.No.1 of 2015 in A.S.No.103 of 2012]*

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Vs.

M.Palaniammal

... Respondent

Prayer : Appeal Suit filed under Section 96 of Code of Civil Procedure against the judgment and decree dated 29.09.2011 in O.S.No.14 of 2006 on the file of the Additional District Court, Namakkal.

For Appellants : Mr.E.Senthil Kumar
for M/s.Sampath Kumar and Associates

For Respondent : Mr.C.Jagadish

Rev.Appl.No.80 of 2014 :

Sri Saravanan & Co.,
Partnership Firm,
Represented by its Managing Partners,
1.K.Ramasamy
2.V.Balasubramanian

... Review Petitioners

Vs.

M.Palaniammal

... Respondent

Prayer : Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure to review the order dated 05.11.2013 passed in M.P.No.2 of 2013 in A.S.No.103 of 2012.



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For Petitioners : Mr.E.Senthil Kumar
for M/s.Sampath Kumar and Associates

For Respondent : Mr.C.Jagadish

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

Defendants in the suit in O.S.No.14 of 2006 on the file of the Additional District Court, Namakkal, are the appellants in the above appeal in A.S.No.103 of 2012. Rev.Appl.No.80 of 2014 is filed by the appellants in A.S.No.103 of 2012 to review the order, dated 05.11.2013, made by this Court in M.P.No.2 of 2013 in A.S.No.103 of 2012.

2.The above Appeal is filed by the defendants as against the decree for specific performance. When the appeal was heard by this Court, this Court suggested settlement between the parties. Thereafter, the parties appear to have negotiated for settlement and arrived at a consensus regarding the terms. Learned counsel on either side, earlier, reported settlement and promised to file memo of compromise before this Court.



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3.Today, a memo of compromise, dated 26.06.2023, signed by the parties, is produced before this Court. The memo of compromise is signed by the parties in the presence of their respective counsel. The appellants are present before this Court and they have stated before this Court that the compromise memo was signed by them on their own volition. The respondent got permission from this Court to appear virtually. Accordingly, her presence through virtual mode is recorded. Learned counsel representing the parties state that they had verified the identity of the parties.

4.As per the joint memo of compromise, the parties have agreed to the following terms :

“1.The appellants agree to pay the sum of Rs.20,00,000/- being the advance sale consideration together with interest at the rate of 12% per annum from the date of the sale agreement, i.e. 11.12.2003 till date of realization i.e. Rs.67,74,000/- (Rupees Sixty Seven Lakhs and Seventy Four Thousand only) (Rs.20,00,000/- advance sale consideration + Rs.47,74,000/-



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as interest on Rs.20,00,000/- till 31.10.2023) and the cost of Rs.2,40,856/-, in all a sum of Rs.70,14,856/- (Rupees Seventy Lakhs Fourteen Thousand Eight Hundred and Fifty Six only) in full and final quit of all the claims in the suit in O.S.No.14 of 2006, on the file of the Additional District Court, Namakkal..

2.The appellants undertake to comply with clause 1 of this Memorandum of compromise within a period of four months from the date of signing this Joint compromise memo, i.e. on or before 31.10.2023. The appellants and the respondent agree that till the payments are made by the appellants to the respondent, the respondent shall have a charge over the suit property forming subject matter of the suit in O.S.No. 14 of 2006, on the file of the Additional District Court, Namakkal.

3.On compliance of payments mentioned in the clause 1 supra, the respondent shall withdraw the sum of Rs.4,50,000/- being the balance sale consideration deposited in Court with accrued interest.

4.The respondent shall return the original title deed pertaining to the suit property on due realization of the monies



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due to her as per clause 1 supra.

5.The Appellants and the respondent agree that on the failure of the appellants to repay the entire sum as per clause 1 of this joint memorandum of compromise, the decree for specific performance granted by the Trial Court in O.S.No.14 of 2006, on the file of the Additional District Court, Namakkal, dated 29.09.2011, shall stand confirmed.

6.This memorandum of compromise settles all the disputes between the parties and the parties covenant that there is no further or other claims against each other.

7.The respondent is unable to sign her name because of her age and hence she is affixing her left thumb impression.”

5.Having regard to the nature of agreement entered into between the parties, the above appeal in A.S.No.103 of 2012 stands disposed of in terms of the compromise memo dated 26.06.2023. Since the main appeal itself is disposed of in terms of the compromise memo, the Review Application in Rev.Appl.No.80 of 2014 to review an order passed in the miscellaneous petition in the appeal, stands closed. The joint memo of compromise filed



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before this Court shall form part of records. No costs. Consequently,
connected miscellaneous petitions are closed.

6.The appellants are entitled to refund of Court Fee. Therefore, on
application, Registry may refund the Court Fee.

(S.S.S.R., J.) (C.K., J.)
28.06.2023

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Internet : Yes

Index : Yes / No

To

1.The Additional District Judge,
Namakkal.

2.The Section Officer,
VR Section, High Court,
Chennai.

| *with a direction to return*
| *the records to the Court below,*
| *if any, forthwith*



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S.S. SUNDAR, J.
and
C.KUMARAPPAN, J.

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