



A.S.No.2 of 2009

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HON'BLE MR. JUSTICE **G.ARUL MURUGAN**

A.S.No.2 of 2009

1.Meenathal (Deceased)
2.Shunmugha
3.Prethivi Raj Pallavarayar
4.Harikrishnan Pallavarayar
(Petitioner 3 & 4 are declared as major and
the second petitioner discharged from their
guardianship, vide order of court dated 04.11.2022,
made in CMP.Nos.11433 & 11439 of 2022 in
A.S. No.2 of 2009 by RHJ)
5.Suganyadevi
6.S.Mohan
7.Kousalya
(Appellants 5 to 7 brought on record as
1st appellant vide order of Court dated 16.10.2015
made in MP.No.1 of 2015)

... Appellants

Vs.

1.Jayan
2.Manju Meera
3.Anjana
4.Aditya Jayan
5.Kamamma.G
(RR2 to 5 brought into records as LR's of the 1st
respondent, vide court order dated 31.01.2022



A.S.No.2 of 2009

made in CMP.Nos.19795 and 19796 of 2021 in
AS.No.2 of 2009 (AANJ)

6. P.Sathya

(R6 is impleaded vide order of Court

dated 07.09.2023 made in CMP.No.22382/2022

in A.S. No.2/2009 (TVTSJ)

... Respondents

PRAYER: Appeal Suit filed under Section 96 of C.P.C., to allow the appeal by setting aside the Judgement and Decree passed in O.S. No.26 of 2007 dated 31.07.2008 on the file of the Additional District and Fast Track Court No.III, Dharapuram, Erode District in so far as judgement and decree for specific performance in respect of 'A' schedule of the suit property by directing the appellant to execute the sale deed within a period of two months is concerned.

For Appellants : Mr.V.R. Kamalanathan

For R1 : Died

For R2 to R5 : Mr.V.Kadhirvelu

For R6 : Mr.Dinesh Kumar

JUDGMENT

Challenging the decree passed in favour of the plaintiff, the defendants are before this Court on appeal.

2. Both side learned counsel's submit that pending appeal, compromise has been arrived at between the parties and as per the compromise, the



A.S.No.2 of 2009

second appellant has executed a sale deed in favour of 6th respondent on 14.12.2023 and that he can withdraw the deposit made before the trial Court. A Joint memo dated 18.12.2023 is filed by the learned counsel's for the appellant, respondents 2 to 5 and 6th respondent stating that the entire issue has been settled out of Court and in lieu of the compromise entered between them, nothing survives for adjudication in the appeal.

3. The joint memo filed is recorded and in view of the same the appeal is dismissed, as settled out of Court. No costs.

4. In view of the judgment of the Hon'ble Supreme Court in ***High Court of Judicature at Madras, rep. by its Registrar General Vs M.C.Subramaniam and others*** reported in **2021 (3) SCC 560**, the registry is directed to refund the court fee paid in the appeal to the appellants.

20.12.2023

drl

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No



A.S.No.2 of 2009

WEB COPY

To

1.The Additional District and Fast Track Court No.III,
Dharapuram, Erode District

2.The Section Officer, VR Section, High Court of Madras.

G.ARUL MURUGAN.,J.

drl

A.S.No.2 of 2009



WEB COPY



A.S.No.2 of 2009

20.12.2023