



A.S.No.319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

A.S.No.319 of 2023
and
C.M.P.No.11701 of 2023

A.Rajesh Appellant/Defendant

Vs

Vijayalakshmi Respondent/Plaintiff

PRAYER: Appeal Suit filed under Section 96 of CPC against the Judgment and Decree dated 20.06.2022 made in O.S.No.340 of 2015 on the file of the V Additional District Judge, Coimbatore.

For Appellant : Mr.C.R.Prasannan
For Respondent : Mr.K.Vasanthanayagan

JUDGMENT

This Appeal Suit has been filed as against the Judgment and Decree dated 20.06.2022 made in O.S.No.340 of 2015 on the file of the V Additional District Judge, Coimbatore, thereby decreeing the suit for specific performance.



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2. Pending Appeal Suit, both the parties have entered into a Joint Memo of Compromise and also executed on 14.09.2023. The Joint Memo of Compromise is as follows :-

“(i) The appellant has offered to pay Rs./10,36,500/- (Rupees Ten Lakhs Thirty Six Thousand and Five Hundred only) as per the calculation memo attached herewith, in full and final settlement towards the suit claim within a period of four months from the date of execution of this compromise memo by way of a demand draft drawn in favour of the respondent and handover the same to the respondent.

(ii) The respondent has agreed to receive the said amount from the appellant in full and final settlement of the suit claim.

(iii) The appellant and the respondent agreed that on payment of an on receipt of the said amount of Rs.10,36,500/- (Rupees Ten Lakhs Thirty Six Thousand and Five Hundred only) withint a period of four months from the date of execution of this compromise memo, the decree dated 20.06.2022 in O.S.No.340 of 2015 on the file of the V Additional District Judge's Court, Coimbatore will stand set



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aside and the suit will stand dismissed in view of the aforesaid settlement.

(iv) The appellant and the respondent also agreed that in any case the appellant does not pay the said amount within a period of four months from the date of execution of this compromise memo by way of demand draft drawn in favour of the respondent, then the judgment and decree dated 20.06.2022 in O.S.No.340 of 2015 on the file of the V Additional District Judge's Court, Coimbatore will stand confirmed and the appeal will stand dismissed, in view of the aforesaid settlement.

(v) The appellant and the respondent agree that they would pray this Hon'ble Court to post the above first appeal after the said period of four months from the date of execution of this Joint Compromise Memo, for reporting compliance and consequently pray for passing final order in the above first appeal and thus render justice”

3. As per the terms and conditions, the appellant paid a sum of Rs.10,36,500/- (Rupees Ten Lakhs Thirty Six Thousand Five Hundred only) by way of Demand Draft dated 13.12.2023. After receipt of the same, the learned counsel appearing for the respondent acknowledged the same by way of endorsement.



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4. In view of the settlement arrived at between the parties, the Appeal Suit is allowed. The terms of the Joint Memo of Compromise dated 14.09.2023 shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed. No costs.

22.12.2023

Index : Yes / No
Internet : Yes / No
Speaking order /Non-speaking order
Lpp

To

1. The V Additional District Judge,
Coimbatore.

2. The Section Officer,
V.R.Section,
High Court,
Madras.



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G.K.ILANTHIRAIYAN, J.

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