



WEB COPY

A.S.No.765 of 2



THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

A.S.No.765 of 2014

and

M.P.No.1 of 2014

1.D.Samarasam (died)

2.Arulmozhi

3.Thavamani

...Appellants

(A1 died, A2 and A3 are brought on record as LR's of deceased A1 and 2nd appellant has been appointed as the legal guardian of 3rd appellant, vide orders of Court dated 19.10.2023 made in CMP.Nos.22695 and 23829 of 2023 in A.S.No.765/2014)

Vs.

1.S.Rajan

2.C.Sengottuvel (died)

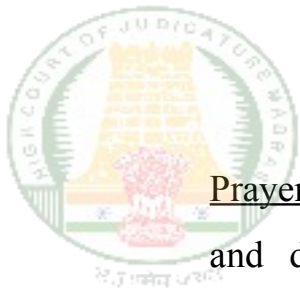
3.Valliyammal

4.Nithiya

5.Sathiya

...Respondents

(R2 died, R3 to R5 are brought on record as LR's of deceased R2, vide order of Court dated 21.11.2023 made in CMP.Nos.22679, 22682 and 22681 of 2023 in A.S.No.765 of 2014.)



Prayer: First Appeal filed under Section 96 of C.P.C., against the judgment and decree of the learned II-Additional District Judge, Salem dated 30.06.2014 in O.S.No.105 of 2012.

For Appellants : Mr.P.Ravi Shankar Rao

For Respondents : Mr.T.S.Vijayaraghavan

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

A joint memo of compromise signed by the parties and their counsel has been filed. The parties have agreed that the decree for specific performance granted by the Trial Court be set aside on certain terms. The terms regarding payment of money embodied in the compromise have also been complied with. Regarding the same, they have also filed a compromise memo.

2.The compromise is recorded. As a result of the said compromise, this appeal stands **allowed**, the decree granted by the Trial Court is set aside. The suit in O.S.No.105 of 2012 stands dismissed. The memorandum of compromise will form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.



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3.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 Court fee paid in the appeal is directed to be refunded on the appellants.

4.Registry is directed to return Ex.A1 / original sale deed to the learned counsel for the appellants.

(R.S.M., J.) (N.S., J.)
14.12.2023

kkn

Internet:Yes

Index:No

Non-speaking order

Nuetral Citation :No

To:-

The III-Additional District Court,
Salem.



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R.SUBRAMANIAN, J.
and
N.SENTHILKUMAR, J.

KKN

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