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A.S.No.697 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

A.S.No.697 of 2019
and C.M.P.No.21203 of 2019

1.N.Venkatapathy

2.N.Janarthanam

3.N.P.Srinivasalu

.. Appellants

Vs.

1.S.P.Munusamy

2.C.Madhumathi

.. Respondents

Prayer: First Appeal is filed under Section 96 of C.P.C. read with Order XLI Rule 1 of C.P.C., against the judgment and decree dated 03.04.2019 made in O.S.No.43 of 2017 on the file of the IV Additional District Court, Thiruvallur @ Ponneri.

For Appellants : Mr.R.Rajesh

For Respondents : Mr.R.Ganesh Kumar



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J U D G M E N T

WEB COPY (Judgment of the Court was delivered by V.M.VELUMANI,J.)

The respondents filed O.S.No.43 of 2017 before the IV Additional District Court, Thiruvallur @ Ponneri, against the appellants for recovery of amount paid by them towards advance sale consideration. The trial Court by the judgment and decree dated 03.04.2019, decreed the suit. Challenging the said judgment and decree dated 03.04.2019 made in O.S.No.43 of 2017, the appellants have come out with present appeal.

2. When the matter is taken up for hearing today, both the learned counsel appearing for the appellants as well as the learned counsel appearing for the respondents submitted that parties have arrived at settlement before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras and filed joint memo of compromise dated 23.01.2023, duly signed by both the appellants as well as respondents and their respective counsel.

3. Learned counsel appearing for the appellants submitted that the appellants have to pay the balance sum of Rs.23,00,000/- to the



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respondents on or before 30.04.2023 and the same has been mentioned in Clause 3 to 5 of the joint memo of compromise dated 23.01.2023.

4.The said joint memo of compromise dated 23.01.2023, duly signed by both the appellants as well as respondents and their respective counsel is taken on file and the same is recorded. Recording the joint memo of compromise dated 23.01.2023, this First Appeal is disposed of in terms of joint memo of compromise dated 23.01.2023. The joint memo of compromise dated 23.01.2023 shall form part of the decree. In view of the judgment of the Hon'ble Apex Court reported in **(2021) 3 SCC 560 (High Court of Judicature at Madras, represented by its Registrar General Vs. M.C.Subramaniam and others)**, the appellants are entitled to refund of the Court fee paid by them on Memorandum of Grounds of Appeal. Registry is directed to refund the Court fee affixed in the Memorandum of Grounds of Appeal, to the appellants. No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (S.M., J)
14.03.2023

Index : Yes / No
Neutral Citation : Yes/No
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V.M.VELUMANI, J.
and
SUNDER MOHAN, J.

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To

1. IV Additional District Judge
Thiruvallur @ ponneri.
2. The Section Officer,
VR Section,
High Court, Chennai.

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and C.M.P.No.21203 of 2019

14.03.2023