



WEB COPY



S.A.No.42 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2023

CORAM

THE HONOURABLE MR. **JUSTICE G.K.ILANTHIRAIYAN**

S.A.No.42 of 2020
and
C.M.P.No.933 of 2020

S.Bhaskar

....

Appellant

Vs

K.Asha

....

Respondent

Prayer :- This Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 04.01.2018 in A.S.No.24 of 2014 on the file of the Principal District Judge, Kancheepuram, confirming the Judgment and Decree dated 29.10.2014 in O.S.No.25 of 2011 on the file of the Principal Subordinate Judge, Chengalpattu.

For Appellant : Mr.B.Magesh Kannan

For Respondent : Mr.S.Udhaya Kumar

JUDGMENT

This Second Appeal has been filed as against the Judgment and Decree dated 04.01.2018 in A.S.No.24 of 2014 on the file of the learned Principal District Judge, Kancheepuram, confirming the Judgment and Decree dated 29.10.2014 in O.S.No.25 of 2011 on the file of the



S.A.No.42 of 2020

Principal Subordinate Judge, Chengalpattu.

WEB COPY

2. Pending Second Appeal, both the parties have entered into a settlement by way of Joint Memo of Compromise on 08.02.2023. Both the appellant as well as the respondent are present before this Court. They have also entrusted the Memo by way of Joint Memo of Compromise dated 08.02.2023. In the Memo of Compromise, the following terms and conditions have been agreed :

“1) It is submitted that both the parties have compromised the dispute arising out of the above second appeal.

2) It is submitted that the respondent filed O.S.No.25/2011, before the Principal Sub Court, Chengalpet against the appellant herein, for declaration that the sale deed in respect of the suit property in favour of the appellant/defendant is null and void and recovery of possession and the suit was decreed on 29.10.2014.

3) It is submitted that the appellant filed appeal in A.S.No.24/2014, before the Principal District Court, Chengalpet, challenging the trial court judgment and the same was dismissed on 04.01.2018. Against the concurrent finding of both the courts, the



WEB COPY



S.A.No.42 of 2020

defendant has filed the above second appeal.

4) It is submitted that the respondent herein has agreed to confirm the title of the appellant in respect of suit property for a consideration of Rs.23,00,000/-.

5) It is submitted that the respondent has filed Criminal Case in C.C.No.42/2014, before the Judicial Magistrate-II, Chengalpet, for the offence of cheating and forgery. The respondent shall withdraw the criminal case filed against the appellant and others.

6) It is submitted that the respondent has relinquished her right, title and interest in the suit property in view of the acceptance of a sum of Rs.23,00,000/- as sale consideration.

7) It is submitted that the appellant has paid a sum of Rs.5,00,000/- to the respondent on 14.09.2022 vide DD No.098438, drawn on Karur Vysya Bank, Kundrathur Branch, Chennai and Rs.5,00,000/- by cash, totaling Rs.10,00,000/- towards part sale consideration.

8) It is submitted that the appellant has paid the balance sale consideration of Rs.13,00,000/- through RTGS, dated 08.02.2023, drawn on ICICI Bank, Selaiyur Branch, Chennai.

9) It is submitted that in view of the receipt of the entire sale consideration, the appellant shall



S.A.No.42 of 2020

*enjoy the suit property namely Plot No.21,
Chakravarthy Nagar Layout, measuring 1950 sq.ft.
comprised in Survey No.94/1, Oonamaanjeri Village,
Vandalur Taluk, Chengalpet District.”*

3. As per the terms of compromise entered between the parties, the respondent agreed to withdraw the Criminal Case in C.C.No.42 of 2014 on the file of the Judicial Magistrate No.II, Chengalpet. Further, the respondent also entered into the box and deposed that already the matter has been settled between the parties.

4. In view of the above, this Court directs the Judicial Magistrate No.II, Chengalpet to permit the respondent to close the criminal case.

5. With the above direction, this Second Appeal stands disposed of. The terms of the Joint Memo of Compromise shall form part and parcel of the decree. Consequently, connected miscellaneous petition is closed. No costs.

08.02.2023
(2/2)

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



WEB COPY



S.A.No.42 of 2020

To

- 1.The Principal District Judge, Kancheepuram
- 2.The Principal Subordinate Judge, Chengalpet.
3. The Judicial Magistrate No.II,Chengalpet.



WEB COPY



S.A.No.42 of 2020

G.K.ILANTHIRAIYAN, J.

Lpp

S.A.No.42 of 2020
and
C.M.P.No.933 of 2020

08.02.2023