



**A.S(MD)Nos.2 and 12 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**A.S(MD)No.2 of 2022  
and  
A.S(MD)No.12 of 2022  
and  
C.M.P(MD)No.461 of 202**

**A.S(MD)No.2 of 2022:**

Tmt.Kamala Achi

... Appellant/Plaintiff

-VS-

1.Mr.A.V.Kasinathan  
2.Tmt.A.Shanmugavalli Achi  
3.Tmt.V.Swarnavalli Achi  
4.Tmt.R.Meenakshi Achi  
5.Tmt.V.Manonmani Achi  
6.Tmt.G.Rajeswari Achi  
7.AVK.M.S.Chockalingam  
8.AVK.M.S.Meiappan

9.M/s.Rohini Housing Developers(P) Limited through its,  
"Managing Director, Mr.M.Anand"  
Office at Old No.73-A-3,  
New No.4, 6<sup>th</sup> Cross Street,  
Salai Road, Trichy – 620018.

... Respondents/Defendants

PRAYER: Appeal filed under Section 96 of C.P.C., against the judgment and decree of the learned III Additional District Judge, Tiruchirappalli in O.S.No.129 of 2008 on 18.08.2021.



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For Appellant : Mr.R.Sundar Srinivasan

For R1, R3 & R8 : Mr.AR.L.Sundaresan,  
Senior Counsel for  
Mr.C.Mahadevan

For R-2 to R-6 : No Appearance

**A.S(MD)No.12 of 2022:**

Mr.A.V.Kasinathan

... Appellant/ 1<sup>st</sup> Defendant

-vs-

1.Tmt.Kamala Achi

... 1<sup>st</sup> Respondent/Plaintiff

2.Tmt.A.Shanmugavalli Achi

3.Tmt.V.Swarnavalli Achi

4.Tmt.R.Meenakshi Achi

5.Tmt.V.Manonmani Achi

6.Tmt.G.Rajeshwari Achi

7.AVK.M.S.Chockalingam

8.AVK.M.S.M.Meyaappan

9.M/s.Rohini Housing Developers Pvt. Ltd.,

Rep. by its Managing Director Mr.M.Anand,

Old No.73-A-3, New No.4,

6<sup>th</sup> Cross Street, Salai Road,

Trichy – 620 018. .... Respondents 2 to 9/Defendants 2 to 9

**PRAYER:** Appeal filed under Section 96 r/w Order 41 Rule 1 C.P.C.,  
against the judgment and decree dated 18.08.2021 in O.S.No.129 of  
2008 on the file of the learned III Additional District Judge,  
Tiruchirapalli.

For Appellant : Mr.AR.L.Sundaresan,  
Senior Counsel for  
Mr.C.Mahadevan



**A.S(MD)Nos.2 and 12 of 2022**

For R1 : Mr.R.Sundar Srinivasan  
For R-2 to R-9 : No Appearance

**COMMON JUDGMENT**

**[Judgment of the Court was made by R.SUBRAMANIAN, J.]**

Challenge in these appeals is to the judgment and decree, dated 18.08.2021 in O.S.No.129 of 2008 on the file of the learned III Additional District Judge, Tiruchirapalli.

2. The appellant in A.S(MD)No.2 of 2022 and the appellant in A.S(MD)No.12 of 2022, are present.

3. The appellant in A.S(MD)No.2 of 2022 is the plaintiff. The appellant in A.S(MD)No.12 of 2022 is the first defendant.

4. Two compromise memos have been filed which disclose that the bone of contention between the parties has been resolved and the plaintiff in O.S.No.129 of 2022 has received a sum of Rs.40,00,000/- by way of a Demand Draft from the first defendant in the said suit/first respondent herein. She has agreed to withdraw the very suit. Therefore, the appeal in A.S(MD)No.2 of 2022 is dismissed as withdrawn



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and the suit in O.S.No.129 of 2008 will stand dismissed as withdrawn.

The appeal filed by the first defendant in A.S.No.12 of 2022 is allowed and the judgment and decree in the suit in O.S.No.129 of 2008, dated 18.08.2021, is set aside. The compromise memos will form part of the record. No Costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**08.06.2023**

NCC :Yes/No

Index :Yes/No

PM

To:

- 1.The III Additional District Judge,  
Tiruchirappalli.
- 2.The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

pm

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**08.06.2023**