



S.A.No.1035 of 2004

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

S.A.No.1035 of 2004
and
C.M.PNos.13129 and 7633 of 2004

1.Raju(Died)

2.Ravi

...Defendants/Respondents/
Appellants

3.Chinnapillai

4.Sagundala

(A3&A4 are brought on record as LRs
of the deceased 1st appellant vide Court
order dated 20.12.2023)

-Vs-

Arukkani

...Plaintiff/Appellant/Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree, dated 11.06.2003 made in A.S.No.95 of 2001 on the file of the Principal Sub-Court, Trichirapalli, reversing the judgment and decree, dated 10.01.2001 in



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O.S.No.90 of 98 on the file of the District Munsif Court, Musiri.

For Appellants : Mr.Saravanan

For Respondent : Mr.K.Govindarajan

JUDGMENT

The above second appeal arises against the judgment and decree, dated 11.06.2003 passed in A.S.No.95 of 2001 by the the learned Principal Sub Judge, Trichirapalli, reversing the judgment and decree, dated 10.01.2001 passed in O.S.No.90 of 98 by the learned District Munsif, Musiri.

2.The plaintiff/respondent filed a suit in O.S.No.90 of 98 before the District Munsif Court, Musiri, for recovery of money.

3.The trial Court dismissed the suit. However, on appeal, the same was allowed.



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4.Today, all the appellants and the respondent are present before this Court. They have entered into a joint compromise and settled the issue amicably between them. It is verified from them that they are all agreeable for the terms of compromise mentioned in the memorandum of compromise, dated 19.12.2023. As all the parties agreed for the same, there will be a decree in terms of the memo of compromise. The terms in the said joint compromise memo is extracted hereunder:

TERMS AND CONDITIONS

“(a)The respondent/plaintiff hereby acknowledges that she has received Rs.20,000/- from the appellants as full quit of mortgage and admits that the entire money due under mortgage deed dated 18.10.1984 has been discharged by the appellants.

(b)The respondent prays this Hon'ble Court to pass a judgment and decree to the effect that the entire claim in O.S.No.90 of 1998 on the file of the District Munsif's Court, Musiri, is fully discharged.

(c)The respondent has no other claim against the



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appellants.

(d)The respondent undertakes that she will execute necessary receipt stating that the entire amount due under mortgaged deed, dated 18.10.1984 is fully settled and register the same in the jurisdiction Sub-Registrar's Office forthwith.

(e)The respondent has no objection for the appellants to withdraw the amount of Rs.10,000/-(Rupees Ten Thousand only) deposited before the trial Court in pursuant to the interim order, dated 28.04.2004 passed by this Court. Both parties pray this Hon'ble Court to pass suitable orders permitting the appellants to withdraw the amount deposited by them. ”

5.In view of the memorandum of compromise entered into between the parties, this Second Appeal is disposed of in terms of the joint compromise memo. As per the terms of the joint compromise memo, the appellants are entitled to withdraw the amount of Rs.10,000/-(Rupees Ten Thousand only) deposited before the Court



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below at the time of admission of this second appeal. The memorandum of compromise shall form part of the decree. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.12.2023

NCC:Yes/No

Index:Yes/No

Internet::Yes/No

To

1.The District Munsif,
Musiri.

2.The Principal Subordinate Judge,
Tiruchirapalli.

3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

R. KALAIMATHI,J.



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S.A.No. 1035 of 2004
and
C.M.P(MD)No.1 of 2006

20.12.2023