



S.A.No. 921 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2024

CORAM:

**THE HONOURABLE MR. JUSTICE R. SAKTHIVEL**

S.A. No. 921 of 2021

and

CMP. No. 17435 of 2021

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1.S.Ashok Kumar

2.K.M. Arumugam

...Appellants/Appellants/Plaintiffs

Versus

D.M. Kasinathan

...Respondent/Respondent/Defendant

**Prayer:** Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the judgment and decree made in A.S.No. 52 of 2018 on the file of the Additional District Judge, Krishnagiri, dated 06.07.2019 confirming the judgment and decree made in O.S.No. 195 of 2017 on the file of the Principal Sub-Judge, Krishnagiri, dated 19.11.2018.



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For Appellant

: Mr.T. Panchatsaram

For Respondent

: M/s. Ramapriya Gopalakrishnan

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### **JUDGMENT**

Mr.T.Panchatsaram, learned counsel for the appellants and M/s.Ramapriya Gopalakrishnan, learned counsel for the respondent are before this Court.

2. The appellants, namely, Mr.S. Ashok Kumar, K.M. Arumugam and the respondent, namely, Mr.D.M. Kasinathan are before this Court.

3. Both sides filed a Joint Memorandum of Compromise, dated 29.10.2024 signed by both the parties with their respective counsels. Contents of the Joint Memorandum of Compromise has been read over and explained to both the parties. Both the parties agreed the contents of the Joint Memorandum of Compromise. Hence, the Joint Memorandum of Compromise is recorded. A scanned reproduction of the same is as follows:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(APPELLATE JURISDICTION)

S.A.No. 921 of 2021

1. S. Ashok Kumar  
S/o Sivaraj Kumar  
Santhapuram Village, Kaveripattinam Post,  
Krishnagiri Taluk and District.

2. K. M. Arumugam  
S/o ManickaMudaliyar  
Mittahalli Village, Kaveripattinam Post,  
Krishnagiri Taluk and District.

Appellants

(Vs)

D.M. Kasinathan  
S/o Mariyappan  
Devurmukkulam Village, Karadihalli Post,  
Krishnagiri Taluk and District.

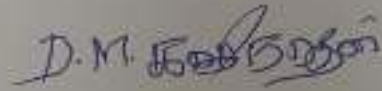
Respondent

**JOINT MEMORANDUM OF COMPROMISE**

The appellants and the respondent mutually agree as here under;

1. The Appellants agree to receive a sum of Rs.6,75,000/- (Rupees Six Lakh Seventy-Five Thousand only) in full and final settlement of all their claims made with respect to the suit in O.S 195 of 2017 which is the subject matter of the present Second Appeal.
2. The respondent has today paid a sum of Rs.6,75,000/- (Rupees Six Lakh Seventy-Five Thousand only) to the appellants and the appellants hereby acknowledge receipt of the said sum of Rs.6,75,000/- (Rupees Six Lakh Seventy-Five Thousand only) in full and final settlement of all their claims.
3. The respondent shall be entitled to take return of the original document namely the registered sale deed dated 10.06.1993 which stands in favour of the respondent, registered as document number 311/1993 with the Sub Registrar Office at Karimangalam and which document has been marked

  
K.M. Arumugam

  
D.M. Kasinathan



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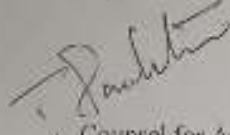
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as Exhibit A5 by the appellants in O.S 195 of 2017. The appellants hereby give their no objection to the respondent to make the necessary application for return of the original document and also undertake to extend the cooperation needed to have the said application numbered and adjudicated and to obtain the return of the same from the Principal Subordinate Court, Krishnagiri.

4. The registered sale agreement dated 09.04.2014 between the appellants and the respondent which document has been registered with the Sub Registrar Office at Karimangalam, which is marked as Exhibit A1 shall hereby be treated as cancelled. The parties shall sign the necessary cancellation deed of the sale agreement and have the same registered with the Sub Registrar Office at Karimangalam and to have the said entry removed from the list of Encumbrance relating to the suit property. The cancellation deed of the sale agreement shall be registered as soon as the records relating to the suit and appeal are received by the Principal Subordinate Court, Krishnagiri.
5. The Appellants shall extend their full cooperation to get the said encumbrance cleared.
6. The parties shall bear the respective costs of the litigation.
7. The parties agree that the present joint memorandum of compromise be taken as part of the record of this Hon'ble Court and the aforesaid Second Appeal may be disposed off in terms of this compromise entered into between by both the parties.

Dated at Chennai on this the 29<sup>th</sup> day of October 2024

  
K.M. Subashini  
Appellants

  
Counsel for Appellants

  
Respondent

  
Counsel for Respondent



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4. The Joint Memorandum of Compromise dated 29.10.2024 shall form part of this judgment. In view of the Joint Memorandum of Compromise, this Second Appeal is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

5. The appellants/plaintiffs are entitled to refund of the Court Fee paid by them in the appeal in view of the Hon'ble Supreme Court Judgment in High Court of Judicature at Madras, represented by its **Registrar General v. M.C.Subramaniam and Others**, reported in **(2021) 3 SCC 560**.

**29.10.2024**

MSM



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**R. SAKTHIVEL, J**

MSM

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29.10.2024