



A.S.No.284 of 2017

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE R.SAKTHIVEL

A.S.No.284 of 2017

I.Arulandhu

...Appellant

Vs.

1.K.Lakshmi

2.K.Kumar

3.K.Jagannathan

4.K.Rajkumar

5.K.Shankar

6.C.Sarasu

7.N.Nirmala

8.K.Devika

9.D.Nagaraj

...Respondents

Prayer: Appeal filed under Section 96 read with Order 41 Rule 1 of the Code of Civil Procedure, to set aside the judgment and decree dated 20.12.2016 passed in O.S.No.28 of 2012 on the file of the III Additional District Judge, Thiruvallur at Poonamallee.



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For Appellants : Mr.V.Ramesh

For Respondents : Mr.S.R.Raghunathan

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

Challenge in the appeal is to the dismissal of the suit for specific performance.

2. Pending appeal the parties have entered into a compromise and a memorandum of compromise signed by both the parties and their respective counsel has been filed. As per the said memorandum, the parties have agreed for settling the dispute on return of advance amount of Rs.2,50,000/- by the defendants to the plaintiff. A Demand Draft for the said sum has also been handed over by the defendants to the plaintiff. The parties have also declared that they give up all mutual obligations arising out of the agreement dated 07.12.2010.



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3. The appeal is disposed of in the terms of memorandum of compromise releasing the parties of all the obligation under the agreement subject matter of the suit in O.S.No.28 of 2012 on the file of the III Additional District Court, Thiruvallur. The memorandum of compromise will form part of the decree. In the light of the settlement reached and the judgment of the Hon'ble Supreme Court in *High Court of Judicature at Madras Represented by its Registrar General Vs. M.C.Subramaniam and others* reported in (2021) 3 SCC 560, there will be a direction to re-fund the entire Court fee paid in this appeal in favour of the appellant. No costs.

(R.SUBRAMANIAN, J.)

(R.SAKTHIVEL, J.)

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dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order

Copy To

The III Additional District Judge,
Thiruvallur.

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