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A.S.No.338 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

A.S.No.338 of 2017

1.N.Thoppa Gounder

2.T.Kannan

3.T.Maragathavel

... Appellants

-Vs-

K.Raji

... Respondent

Prayer:- Appeal Suit is filed under Section 96 r/w. Order 41, Rule 1 of Civil Procedure Code against the judgment and decree dated 16.08.2016 passed in O.S.No.243 of 2013 by the learned II Additional District and Sessions Judge, Salem.

For Appellants : Mr.M.R.Jothimanian
For Respondent : Mr.Arul Murugan
for Mr.M.Murali

JUDGMENT

This Appeal had been preferred by the Defendants in O.S.No.243 of 2013 on the file of the learned II Additional District and Sessions Judge, Salem, seeking to set aside the judgment and decree dated 16.08.2016 passed in O.S.No.243 of 2013.



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2. The suit was filed by the Respondent in this Appeal as Plaintiff seeking specific performance of contract. After full trial, the learned II Additional District and Sessions Judge, Salem by judgment dated 16.08.2016 had decreed the suit directing the Defendants to return the amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only) along with interest and costs. Aggrieved by the same, the Defendants had preferred this Appeal in A.S.No.338 of 2017.

3. Pending appeal, the Appellants and the Respondent had arrived at an amicable settlement whereby both the parties agreed for Rs.10,00,000/- (Rupees Ten Lakhs only) instead of Rs.15,00,000/- (Rupees Fifteen Lakhs only) ordered by the trial Court as the Plaintiff in the suit/Respondent herein had already cut and removed the trees before filing the suit. Therefore, compensation for the same had been reduced voluntarily by the Plaintiff/Respondent in the Appeal. Therefore, instead of Rs.15,00,000/- (Rupees Fifteen Lakhs only) ordered by the learned II Additional District Judge, Salem, as per judgment dated 16.08.2016 the Defendant had paid Rs.9,00,000/- (Rupees Nine Lakhs only) to the Plaintiff in open Court today by way of Demand Draft in the presence of learned Counsel on both sides and



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stated that Rs.1,00,000/- (Rupees One Lakh only) has already been paid.

They had also filed memo of compromise regarding the same.

4. Recording the memo of compromise, this Appeal Suit is disposed of as settled out of Court. The Appellant is entitled to refund of Court fee, less commission. The memo of compromise shall form part of the decree. There shall be no order as to costs.

22.10.2024

srm

Index : Yes/No

Speaking/Non-speaking order

To

1.The II Additional District and Sessions Judge,
Salem.

2.The Section Officer,
Vernacular Records,
Madras High Court.

SATHI KUMAR SUKUMARA KURUP, J.,



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