



C.R.P.No.4064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE THIRU JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.No.4064 of 2023 and CMP No.24835 of 2023

1.Rose

2.Chandra Kumar

3.Soundar

4.Sathish Kumar

.... Petitioners

vs

1.Venkatesan

2.Aruna Devi

.... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order dated 15.09.2023 passed in E.A.No.35 of 2019 in E.P.No.110 of 2014 in O.S.No.90 of 2011 on the file of Principal Subordinate Court, Tiruvannamalai.

For Petitioners : Ms.S.Suseela Devi

For Respondents : Mr.S.Vediyappan

ORDER

The Civil Revision Petition has been filed against the order dated 15.09.2023 passed in E.A.No.35 of 2019 in E.P.No.110 of 2014 in O.S.No.90 of 2011 on the file of Principal Subordinate Court, Tiruvannamalai.



C.R.P.No.4064 of 2023

2. When the matter is taken up today, the parties are present before this Court and the learned counsel on either side submit that the parties have entered into a compromise and they have filed a Joint Compromise Memo, signed by the 2nd petitioner on behalf of all the petitioners and both the respondents and attested by their respective counsel before this Court and prays that the Civil Revision Petition may be disposed of in terms of the Joint Compromise Memo. The Joint Compromise Memo filed by the petitioners and the respondents reads as follows:-

“ JOINT COMPROMISE MEMO

The above named Petitioners and Respondents arrived one compromise and filing the Joint Compromise Memo on the following Terms and Conditions:

1) The 2nd petitioner in the main Civil Revision Petition is paying Rs.7,25,000/-(Rupees Seven Lakhs and Twenty Five Thousand only) in favour of the 1st Respondent by way of Demand Draft dated 22.10.2024 Drawn on 22.10.2024 Vide DD No.559431, Karur Vysya Bank Branch, Tiruvannamalai on this day and the 1st respondent is receiving the above said amount as full and final settlement for the loan transaction and hereby acknowledge the receipt of the above said sum.

2) The 1st respondent is hereby ready to give the original parent document in the name of the 1st Petitioner to the Petitioners herein



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C.R.P.No.4064 of 2023

after receiving the above said sum and also undertakes that will not claim any right over the suit schedule property. The 1st Respondent hereby undertakes that by filing necessary application forthwith to receive the original parent document which was marked as Exhibit A1 in O.S.No.90 of 2011 on the file of the Principal Subordinate Judge, Tiruvannamalai without any delay on his part.

3) The Petitioners and 1st Respondent hereby undertakes that the sale agreement entered between the Petitioners and the 1st Respondent is hereby cancelled and there is no right subsists with the 1st Respondent with respect to the suit schedule property.

4) The 1st and 2nd Respondent is hereby undertakes that the Court Auction already completed on 08.08.2018 may be set aside by this Hon'ble Court and the 2nd Respondent agrees to withdraw Rs.14,40,000/- i.e., the amount deposited in the Court for purchase of the suit schedule property as auction purchaser.

5) The Petitioners and the Respondent hereby undertakes that, the Petitioners may take necessary steps to register the compromise memo and the decree of this Hon'ble Court to cancel all the entries of the encumbrance certificate which were now cancelled herewith and the title of the property restored to the 1st petitioner.

It is therefore prayed that this Hon'ble Court may be pleased to record

A.D.JAGADISH CHANDIRA,J.,

sr



C.R.P.No.4064 of 2023

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this joint compromise memo and pass such other suitable order as this Hon'ble Court may deem fit and proper in the above said circumstances and thus render justice.

Date at Chennai on this 28th day of October 2024.”

3. Recording the Joint Memo of Compromise the Civil Revision Petition is disposed of. The Joint Memo of Compromise filed by the petitioners and the respondents shall form part of the Court records. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

sr
Index:yes/no
website:yes/no

To
The Principal Subordinate Court, Tiruvannamalai.

CRP No.4064 of 2023