



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

A.S.(MD).Nos.167 & 277 of 2023 and
C.R.P.(MD).No.2646 of 2023

A.S.(MD).No167 of 2023

E.Margarat Mary

... Appellant

vs.

1.Ravindran (died)

2.R.Abraham

3.The Dena Bank
Rep.by its,
Branch Manager, Thanjavur,
Gandhiji Road,
Thanjavur Town Munsif.

4.S.Srinivasan

5.M/s.Sundaram BNP Paribas,
Home Finance Limited, Erode,
No.21, Pattulos Road, Chennai,
Branch Office,
No.116, Rajeswari Complex,
Thiru Vee Kaa Road,
Near Sakthi Vinayagar Kovil,
Munisipal Colony,
Erode, Town and Munsif.



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

6.The District Registrar,
Thanjavur,
Thanjavur District.

7.The Sub Registrar No.I,
Sub Registrar Office,
Sivagangai Garden,
Thanjavur Town & Munsif.

8.The State of Tamil Nadu,
Rep by its,
District Collector,
Thanjavur,
Thanjavur District.

9.Rajeswari

10.Jayavarthini

11.Padma Priya

12.Arul Venkatesh ... Respondents
(Respondent Nos.9 to 12 are brought on record as Lrs of the deceased 1st respondent vide Court order dated 11.07.2024 made in C.M.P.(MD).Nos. 4686 & 4687 of 2024 in A.S.(MD).No.167 of 2023.

PRAYER: Appeal Suit filed under Section 96 and Order 41 Rule 1 of C.P.C. to allow the first Appeal Suit by setting aside the judgment and decree of the Trial Court in O.S.No.64 of 2013 dated 05.04.2023, on the file of the II Additional District and Sessions Court, Thanjavur.



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

For Appellant : Mr.F.X.Eugene
For Respondents : Mr.AL.Vijay Devaraj for R2
: Mr.Mu.Prakash for R3
: No appearance for R4
: Mr.ME.Ilango for R5
: Mr.Subburaj
Special Government Pleader for R6 to R8
: Mr.R.L.Dhilipan Pandian for R9 to R12
: R1 Died

A.S.(MD).No.277 of 2023

R.Abraham

... Appellant

vs.

- 1.Ravindran (died)
- 2.The Dena Bank
Rep.by its,
Branch Manager, Thanjavur,
Gandhiji Road,
Thanjavur Town Munsif.
- 3.S.Srinivasan
- 4.E.Margarat Mary
- 5.M/s.Sundaram BNP Paribas,
Home Finance Limited, Erode,
No.21, Pattulos Road, Chennai,
Branch Office,
No.116, Rajeswari Complex,
Thiru Vee Kaa Road,
Near Sakthi Vinayagar Kovil,
Munisipal Colony,
Erode, Town and Munsif.



6.The District Registrar,
Thanjavur,
Thanjavur District.

7.The Sub Registrar No.I,
Sub Registrar Office,
Sivagangai Garden,
Thanjavur Town & Munsif.

8.The State of Tamil Nadu,
Rep by its,
District Collector,
Thanjavur,
Thanjavur District.

9.Rajeswari

10.Jayavarthini

11.Padma Priya

12.Arul Venkatesh

... Respondents

(Respondent Nos.9 to 12 are brought on record as Lrs of the deceased 1st respondent vide Court order dated 24.07.2024 made in C.M.P.(MD).Nos. 5036 & 5037 of 2024 in A.S.(MD).No.277 of 2023.

PRAYER: Appeal Suit filed under Section 96 and Order 41 Rule 1 of C.P.C. to allow the first Appeal Suit by setting aside the judgment and decree of the Trial Court in O.S.No.64 of 2013 dated 05.04.2023, on the file of the II Additional District and Sessions Court, Thanjavur.



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

For Appellant : Mr.A.L.Vijeydevaraj
For Respondents : Mr.Mu.Prakash for R2
: No appearance for R3
: Mr.F.X.Eugene for R4
: Mr.ME.Ilango for R5
: Mr.P.Subburaj

Special Government Pleader for R6 to R8

: Mr.R.L.Dhilipan Pandian for R9 to R12
: R1 Died

C.R.P.(MD).No.2646 of 2023

R.Abraham

... Petitioner

vs.

1.Ravindran (died)

2.Rajeswari

3.Jayavarthini

4.Padma Priya

5.Arul Venkatesh

... Respondents

(Respondent Nos.2 to 4 are brought on record as Lrs of the deceased sole respondent vide Court order dated 24.07.2024 made in C.M.P.(MD).Nos.6602 & 6605 of 2024 in C.R.P.(MD).No.2646 of 2023)

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in E.I.O.P.No.103 of 2013 dated 05.04.2023 on the file of the II Additional District Judge, Thanjavur and allow this Civil Revision



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

Petition.

For Appellant : Mr.A.L.Vijeydevaraj

For Respondents : Mr.R.L.Dhilipan Pandian for R2 to R5

COMMON JUDGMENT

(Order of the Court was made by **P.VELMURUGAN, J.**)

Pursuant to the order of this Court dated 24.07.2024, these matters were referred to mediation.

2.On 12.09.2024, when these matters were taken up for hearing, the learned counsel appearing on either side submitted that the parties had amicably settled the dispute before the mediation, and the terms and conditions and the settlement agreement were reduced in writing, which read as follows:



WEB COPY



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT

DUE DATE	PAYABLE BY	AMOUNT PAYABLE
10.09.2024	Second Part - R.Abraham	Rs.2,00,000/- (Rupees Two Lakhs Only)
02.11.2024	Second Part - R.Abraham	Rs.2,00,000/- (Rupees Two Lakhs Only)
03.01.2025	Second Part - R.Abraham	Rs.2,00,000/- (Rupees Two Lakhs Only)
	Third Part - E.Margaret Mary	Rs.1,00,000/- (Rupees One Lakhs Only)
28.02.2025	Second Part - R.Abraham	Rs.4,00,000/- (Rupees Four Lakhs Only)
09.03.2025	Third Part - E.Margaret Mary	Rs.9,00,000/- (Rupees Nine Lakhs Only)

C) The parties of Second and Third Part shall pay the instalments as tabulated above on or before the due date mentioned above (a grace period of further 10 days from the due date is provided for payment of each instalment mentioned above, but not for the final installment on 09.03.2025) on failure to comply with the above by the Second or Third Part, the entire compromise will stand rescinded and the Plaintiff / Decree Holder i.e., the First Part will be at liberty to proceed with the Execution petition in EP No.328 of 2023 pending on the file of the IInd Additional District Judge, Thanjavur and seek execution of the sale deed as per the decree of the IInd Additional District Judge, Thanjavur in O.S.No.64 of 2013.

D) The balance sale consideration as directed in O.S.No.64 of 2013 to the tune of Rs.33,00,000 (Rupees Thirty three lakhs only) with challan number 20230831003193 challan dated 31.8.2023 has already been deposited by Late Mr.V.RAVINDRAN before the IInd Additional District Judge, Thanjavur and that the First Part will have full liberty and rights to withdraw the said sum along with the accrued interest, post fulfilment of the payments made by the Second and Third Part, in which the Second Part and Third Part herein will not have any objections. Hence, the Second Part is ready to not press the CRP(MD).No.2646 of 2023 filed by him in lieu of the above mentioned terms of settlement.

AR. Jeyaraj 2) E. Margaret Mary 3) R. Ramesh 4) R. Ramesh
4) R. Ramesh



WEB COPY



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

2. The matter was referred to mediation vide an order dated 24.07.2024 passed by the Hon'ble Mr. Justice N.SESHASAYEE and Hon'ble Mr. Justice P.VADAMALAL.

3. The parties agreed that Mr.T.Murugan would act as their Mediator.

4. Several meetings were held during the process of Mediation from 26-07-2024 to 10.09.2024 and the parties have the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences.

5. The parties herein confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator.

6. The following settlement has been arrived at between the Parties hereto:

A) That the First Part had unanimously agreed to receive a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) in five instalments to resolve the dispute with the Second and Third Part, the same may be sent to account of the wife of late Mr.Ravindran I.e., Mrs.Rajeswari Ravindran in her Account number:275301000014004 INDIAN OVERSEAS BANK, Nanjikkottai Branch, Thanjavur (IFSC - IOBA0002753) either by way of Demand Drafts or through RTGS as agreed by the other legal heirs.

B) That the Second and Third Part had agreed to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to resolve the dispute with the First Part, in which the Second Part and the Third Part shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) each within a period of six months in five instalments as stipulated hereunder:

1) R. Rajeswari
2) S. Arun Kumar
3) R. Rajeswari
4) S. Arun Kumar
5) R. Rajeswari
6) S. Arun Kumar
7) R. Rajeswari
8) S. Arun Kumar
9) R. Rajeswari
10) S. Arun Kumar

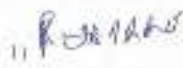
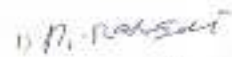
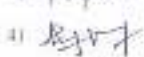


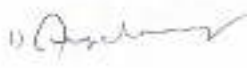
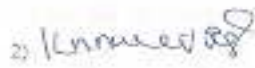
WEB COPY

7. By signing this Agreement, the Parties hereto state that they have no further claims or demands against each other with respect to A.S.(MD) Nos. 167 & 277 of 2023 ————— and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Mediation.

DATE : 10.09.2024

PLACE: MADURAI

PARTIES SIGNATURE	APPELLANT	RESPONDENT
1) 	1) P. Rajasekar	1) 
2) S. Muthu	2) 	3) P. Rajasekar
		4) 

COUNSELS SIGNATURE	APPELLANT	RESPONDENT
1) 	1) 	
2) 		


T. Murgan, Mediators



3. In view of the aforesaid compromise entered into between them, the suit is decreed in terms of the settlement agreement. The



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

settlement agreement forms part of the decree. The parties are entitled to get a refund of the Court fee as per rules. Accordingly, A.S.Nos.167 and 277 of 2023 stand closed.

5.Consequent to the terms of settlement made in the appeal suits, in which, one of the conditions in the civil revision petition has been settled, C.R.P.(MD).No.2646 of 2023 also stands closed. No costs.

(P.V.J.,) (M.S.Q.J.,)
12.09.2024

NCC : Yes / No
Index : Yes / No
Neutral Citation : Yes / No
sbm

To

- 1.The Family Court,
Dindigul.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



A.S.(MD).Nos.167 & 277 of 2023 and C.R.P.(MD).No.2646 of 2023

P.VELMURUGAN, J.
and
MOHAMMED SHAFFIQ, J.

sbn

A.S.(MD).Nos.167 & 277 of 2023 and
C.R.P.(MD).No.2646 of 2023

DATED : 12.09.2024