



A.S.No.535 of 2015

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date :16.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

A.S.No.535 of 2015 &

CMP.No.19925 of 2016

1. K.I.Nabishathul Baheeria
2. M.Periya Annamalai

... Appellants

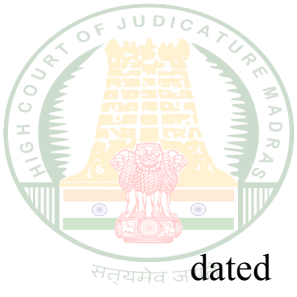
Versus

1. S.Fathima Ummal [died]
2. Annai Christy
3. Victoria
4. Rebakkal
5. Mohamed Qussene
6. Sithi Zahira
7. Iman Najena
8. Hisam Salim

[Respondents 5 to 8 are brought on record as LR
of deceased R1 vide Order dated 04.02.2025 made
in CMP.No.839 of 2025 in A.S.No.535 of 2015
by VSGJ]

... Respondents

PRAYER : This Appeal Suit has been filed under section 96 of Code of Civil Procedure to set aside the judgment and decree passed in O.S.No.43 of 2007



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dated 18.03.2010 on the file of the Court of Additional District Judge,
Pondicherry at Karaikkal and dismissed the suit by allowing this appeal.

For Appellants : Mr.N.P.Vijay Kumar

For Respondents : Mr.A.Sathis Kumar – R5 to R8

JUDGMENT

Challenge has been made to the decree and judgment of the trial Court decreeing the suit filed by the plaintiffs for specific performance, in the present Appeal Suit.

2. The suit has been filed by the first respondent against the respondents 3 to 4 to enforce the sale agreement said to have been executed by the respondents 3 to 4 which resulted in filing of the suit in O.S.No.43 of 2007 which has been decreed. The appellants have purchased the property from his previous title holder, who has purchased the property prior to the suit.



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3. Now a compromise has been reached between the appellants and the respondents 5 to 8, who are the legal heirs of the first respondent, in whose favour the decree in O.S.No.43 of 2007 has been passed. A Joint Memo of Compromise has also been filed before this Court. The respondents 5 to 8 are present before this Court and identified by their counsel. Similarly, the appellants' identity has also been established before this Court.

4. The parties have amicably settled the dispute between them. The appellants have agreed to pay a sum of Rs.31,00,000/- [Rupees thirty one lakhs to the respondents 5 to 8, out of which a sum of Rs.21,00,000/- [Rupees twenty one lakhs has been paid by way of Demand Draft No.507202 dated 05.04.2025 drawn on ICICI Bank, Tanjore Branch and remaining Rs.10,00,000/- [Rupees ten lakhs only] has already been deposited in LAOP.No.14 of 2017 on the file of the District and Sessions Judge, Karaikkal, to be returned to the respondents 5 to 8 and the respondents 5 to 8 have agreed to handover all the title documents to the appellants after getting the documents from the trial Court. The Joint Memo of Compromise filed before this Court is taken on file.



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5. Accordingly, this Appeal Suit is disposed of in terms of the Joint Memo of Compromise filed by the parties on 16.04.2025 and the joint Compromise Memo filed by the parties shall form part of the decree. Consequently, connected miscellaneous petition is closed. The respondents 5 to 8 are at liberty to file necessary application before the District and Sessions Judge, Karaikkal and on such application being filed, the learned District and Sessions Judge shall release the amount lying to the credit of LAOP.No.14 of 2017 to the respondents 5 to 8. If there is any enhancement of the compensation or any balance amount in the said account, the appellants are entitled for that amount.

16.04.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

1. The District and Sessions Judge, Karaikkal.

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2. V.R. Section, High Court, Madras.

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N. SATHISH KUMAR, J.

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