



WEB COPY

A.S.No.214 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-12-2025

CORAM

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

A.S.No.214 of 2024
and C.M.P.No.7633 of 2024

1.D.Venkatesh,
S/o. R.A.Devarajan,
Proprietor of M/s. Lakshmi Narayana Tex,
No.12/15, 20V, Thangasalai Street,
Vennandur Post,
Rasipuram Taluk,
Namakkal - 637 505.

2.R.A.Devarajan,
S/o. Ramasamy,
Proprietor of M/s. Venkatesh Tex,
No.12/15, 20V, Thangasalai Street,
Vennandur Post,
Rasipuram Taluk,
Namakkal - 637 505.

3.D.Kavitha,
W/o. R.A.Devarajan,
Proprietor of M/s Kavitha Textiles,
No.12/15, 20V, Thangasalai Street,
Vennandur Post,
Rasipuram Taluk,
Namakkal - 637 505.

...Appellants/Defendants

Vs

1.V.C.G.Sivaprakasam,
S/o. Chandrasekar



2.V.C.Gurupriya,
S/o. Chandrasekar

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...Respondents/Plaintiffs

PRAYER : Appeal Suit filed under Section 96 of the Code of Civil Procedure praying to set aside the Judgement and Decree dated 17.11.2023 passed in O.S.No.552 of 2022 on the file of the learned I Additional District Judge, Salem and to allow this appeal.

For Appellant(s) : Mr.R.Ezhilarasan

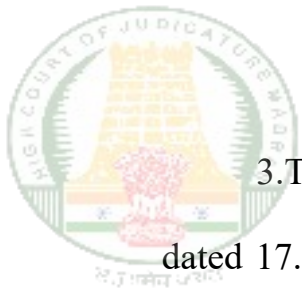
For Respondent(s): Ms.R.V. Gayatri,
for M/s. P.B. Ramanujam Associates
for R1 and R2

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The three appellants are present before this Court. The two respondents have appeared through Video Conferencing Mode. The 1st appellant is the husband and the 2nd respondent is the wife. The three appellants have been identified by the two respondents, who have appeared through Video Conferencing mode.

2.The learned counsel appearing for the appellants and the respondents are present before this Court and they are also identified by the parties.



3.The appeal arises from a Judgment and Decree in O.S.No.552 of 2022 dated 17.11.2023 on the file of the learned I Additional District Judge, Salem, which had been filed by the respondents herein, who are brother and sister, seeking recovery of a sum of Rs.51,61,874/- together with interest and costs.

4.It is also to be mentioned that as between the 1st appellant and the 2nd respondent, earlier there was an H.M.O.P.No.571 of 2021, which was pending before the Family Court, Salem, which had been filed by the 1st appellant seeking divorce. The 2nd respondent had filed D.V.C.No.46 of 2022 before the Additional Mahila Court, Salem. She had also filed O.S.No.398 of 2022 before the Additional District Court at Namakkal, seeking partition and separate possession of the properties. The 2nd respondent had also filed M.C.No.33 of 2024, which is also now pending before the Family Court, Salem.

5.Exhibiting immense prudence and with the assistance of the learned counsels, both the parties have taken a decision to settle the issues amicably. The total settlement amount worked out to a sum of Rs.70/- lakhs payable by the appellants herein to the respondents. This would be in full and final settlement of the claim in O.S.No.552 of 2022 on the file of the learned I Additional District Judge, Salem, from which the present appeal arises and also M.C.No.33 of 2024 and would also resolve the marital issues between the 1st appellant and the 2nd respondent.



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6. In view of that understanding which had been arrived among the parties, the 1st appellant has also withdrawn H.M.O.P.No.571 of 2021 and the 2nd respondent has also withdrawn D.V.C.No.46 of 2022 and as undertaken the suit for partition in O.S.No.552 of 2022 has already been dismissed as withdrawn.

7. Thereafter, the 1st appellant and the 2nd respondent have now filed H.M.O.P.No.851 of 2025 under Section 13B of the Hindu Marriage Act seeking dissolution of marriage by mutual consent. That is now pending before the Family Court at Salem. Both the parties have also stated before this Court and also their counsels have reiterated the stand of their parties, that they would proceed further at H.M.O.P.No.851 of 2025, to its logical conclusion and arrive at a dissolution of their marriage.

8. We are informed that M.C.No.33 of 2024 is listed before the Family Court, Salem on 05.12.2025 and the 2nd respondent herein who is the petitioner therein has also undertaken to withdraw the said Maintenance Case. The total sum of Rs.70/- lakhs have been paid in entirety and the final installment of Rs.20/- lakhs have been transferred online to the account of the 2nd respondent earlier in the day today. The credit of that amount has been acknowledged by the 2nd respondent, who appeared through Video Conferencing Mode and also



by the learned counsel on instructions. In this regard, a Memorandum of Compromise was also filed before this Court dated 21.11.2025. In that Memorandum of Compromise, it had been stated that the remaining instalment of Rs.20/- lakhs will be paid on 05.12.2025 before the Family Court at Salem during the hearing of M.C.No.33 of 2024, but however, we have to record that the said amount has already been transferred as stated above to the credit of the account of the 2nd respondent. Therefore, there is no amount due and payable by the appellant. The said Memorandum of Compromise is recorded.

9.The Appeal Suit is disposed of in accordance with the Memorandum of Compromise, recording the full satisfaction of the claim in O.S.No.552 of 2022 on the file of the learned I Additional District Judge, Salem. The Memorandum of Compromise dated 21.11.2025 shall form part of the Decree. There shall be no order as to costs.

In view of the fact that the parties have entered into a Memorandum of Compromise, and the parties have settled the matter out of Court, the appellants are entitled to refund of Court Fee.

(C.V.K. J.)

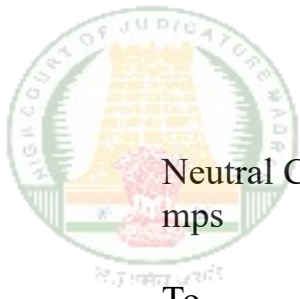
(K.B. J.)

04-12-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation:Yes/No
mps

To

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1.The I Additional District Judge,
Salem.

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

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C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.

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