



A.S.NO.440 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.08.2025**

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

A.S.NO.440 of 2018

1.K.K.Paramasivam

2.P.Pangajam

..Appellants

Vs

Om Prakash Parival

S/o. Malchandji, Rep By His Power of Attorney

Agent R.Thangavel S/o.Ramasami Gounder

.Respondent

PRAYER: This First Appeal is filed under Section 96 r/w Order XLI, Rule 1 of the Code of Civil Procedure, 1908, praying to set aside the judgment and decree dated January 29, 2018 made in O.S.No.294 of 2010 on the file of the II Additional District Court, Erode.



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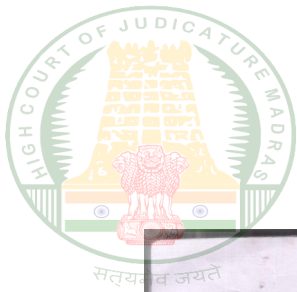
For Appellants: Ms.D.Sathya
For M/s.Zeenath Begum

For Respondent: Mr.V.S.Kesavan

JUDGMENT

Ms.D.Sathya, representing M/s.Zeenath Begum, learned Counsel on record for the appellants is before this Court physically and Mr.V.S.Kesavan, learned Counsel on record for the sole respondent appears through video conferencing mode.

2.Both the learned Counsels submitted that this matter has been compromised between the parties and also files a Joint Memorandum of Compromise. The Joint Memorandum of Compromise is recorded. Scanned reproduction of the same is as follows:-



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**IN THE COURT OF JUDICATURE AT MADRAS
(CIVIL APPELLATE JURISDICTION)**

A.S.NO.440 OF 2018

1. K.K.Paramasivam
2. P.Pangajam

... Appellants

Vs

Om Prakash Parival
Represented by his Power of Attorney Agent
R.Thangavel

... Respondent

JOINT MEMO OF COMPROMISE

The appellants and respondent have resolved the dispute involved the above
First Appeal and are hereby filing this memo of compromise:

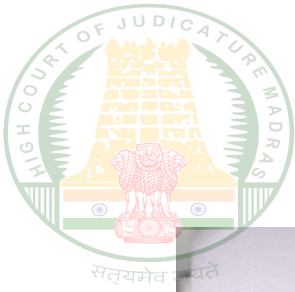
- 1) The respondent herein has obtained a decree dated 29.01.2018 against the
Appellants in O.S.No. 294 of 2010 – on the file of the II Additional
District Court, Erode.
 - i) Under Clause 2 of the decree, for refund of a sum of Rs.4,74,600/-
with the interest at the rate of 9% on the advance amount of
Rs.3,50,000/- from date of plaint till date of decree, and at the rate
6% thereon till date of decree, and thereafter at the rate of 6%
thereon till date of payment.

1) K.K.PARAMASIVAM

P. Pangajam

2) P.PANGAJAM
(APPELLANTS)

Om Prakash Parival
OM PRAKASH PARIVAL
REPRESENTED BY HIS POWER OF
ATTORNEY AGENT R.THANGAVEL
(RESPONDENT)



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- ii) Under Clause 3 of the decree a charge was created on the suit property.
- 2) As on date i.e. on 30.06.2025 the amount due and payable by the Appellants to the respondent herein is Rs.9,59,477.00
- 3) Now, the parties to this Appeal have compromised the matter as hereunder:-
 - i) The appellants hereby paid a sum of Rs.9,61,277.00 to the respondent herein, which the Respondent herein accepts on 31.07.2025 in full satisfaction of the amount due under this decree.
 - ii) The respondent herein having received the entire amount due under the decree, hereby agrees that the charge created on the suit property can be lifted.

It is therefore prayed that this Honourable Court may be pleased to record this joint memo of Compromise in the above First Appeal
A.S.No.440/2018.

K.K. Paramasivam

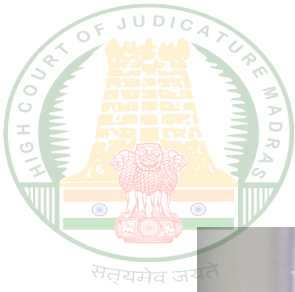
1) K.K.PARAMASIVAM

P. Pangajam

2) P.PANGAJAM
(APPELLANTS)

OM Prakash Parival

OM PRAKASH PARIVAL
REPRESENTED BY HIS POWER OF
ATTORNEY AGENT R.THANGAVEL
(RESPONDENT)



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- i) That, full satisfaction of the entire amount due under the decree in O.S.No.294/2010 on the file of the II Additional District Court, Erode is recorded.
- ii) That the charge created over the suit property under Clause 3 of the decree in O.S.No.294 of 2010 on the file of the II Additional District Court, Erode shall be lifted.
and thus render justice.

K.K. Paramasivam

1) K.K.PARAMASIVAM

P.V. Pangajam

2) P.PANGAJAM
(APPELLANTS)

OM Prakash Parival

OM PRAKASH PARIVAL
REPRESENTED BY HIS POWER OF
ATTORNEY AGENT R.THANGAVEL
(RESPONDENT)

Zeernath Begum
5/8/2025
COUNSEL FOR APPELLANT

V.S. Murthy
6/8/2025
COUNSEL FOR RESPONDENT



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4.The Joint Memorandum of Compromise dated August 07, 2025 shall form part of this judgment. In view of the Joint Memorandum of Compromise, the Appeal Suit is disposed of. No costs.

5.The appellants are entitled for refund of the Court Fee paid by them in the appeal in view of the Hon'ble Supreme Court Judgment in ***High Court of Judicature at Madras, represented by its Registrar General v. M.C.Subramaniam and Others, reported in (2021) 3 SCC 560.*** Registry is directed to refund the Court fee paid by the appellants in this Appeal Suit.

07.08.2025

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Index : Yes/No

Speaking order: Yes/No

gbi

To
II Additional District Court, Erode.



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R.SAKTHIVEL, J.

gbi

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