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A.S.NO.441 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.08.2025**

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

A.S.NO.441 of 2018

P.Senthilkumar

..Appellant

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 against the judgment and decree dated January 29, 2018 made in O.S.No.198 of 2012 on the file of the II Additional District Court, Erode.

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

For Respondent: Mr.V.S.Kesavan



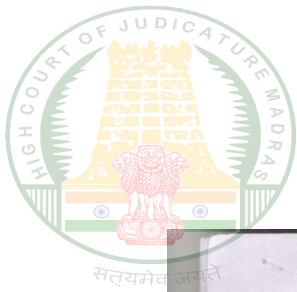
A.S.NO.441 of 2018

JUDGMENT

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Ms.D.Sathya, representing M/s.Zeenath Begum, learned Counsel on record for the appellant 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.441 OF 2018

P.Senthilkumar

... Appellant

Vs

Om Prakash Parival

Represented by his Power of Attorney Agent

R.Thangavel

... Respondent

JOINT MEMO OF COMPROMISE

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

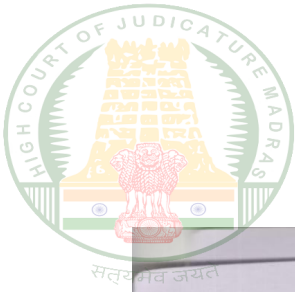
- 1) The respondent herein has obtained a decree dated 29.01.2018 against the Appellant in O.S.No. 198 of 2012 – on the file of the II Additional District Court, Erode (Originally instituted as O.S.No.442 of 2010 on the file of the I Additional Sub Court, Erode) as hereunder:
 - i) Under Clause 2 of the decree, for refund of a sum of Rs.2,03,400/- with the interest at the rate of 9% on the advance amount of Rs.1,50,000/- from date of plaint till date of decree, and with at the rate 6% thereon till date of decree and thereafter at the rate of 6% thereon till date of payment.

P. Senthilkumar

P.SENTHILKUMAR
(APPELLANT)

Om Prakash Parival

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



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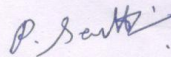
ii) Under Clause 3 of the decree a charge was created on the suit property.

2) As on date i.e. on 30.06.2025 the amount due and payable by the Appellants to the respondent herein is Rs.3,84,963/- An amount of Rs.1,00,000/- has been deposited by the Appellant in the Indian Bank, Gandhiji Road Branch, Erode – to the credit of O.S.No.442 of 2010 when it was pending on the file of the I Additional Sub Court, Erode and the respondent no objection to withdraw the amount with accrued interest.

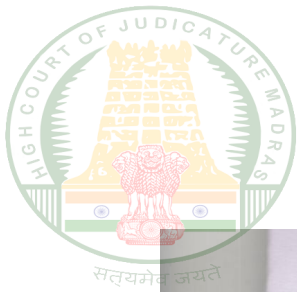
3) Now, the parties to this Appeal have compromised the matter as hereunder:-

i) The appellants hereby paid a total sum of Rs.3,84,963/- on 31.07.2025 being the total amount due to the respondent herein, which the respondent herein accepts in full satisfaction of the amount due under the 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.


P.SENTHILKUMAR
(APPELLANT)


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



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- iii) 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.441 of 2018 as hereunder:

- i) That, full satisfaction of the entire amount due under the decree in O.S.No.198 of 2012 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.198 of 2012 – on the file of the II Additional District Court, Erode shall be lifted.
- and thus render justice.

P. Senthil Kumar

P.SENTHILKUMAR
(APPELLANT)

Om Prakash Parival

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

Zeenath Begum
5/8/2025
COUNSEL FOR APPELLANT

V. S. Thangavel
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 appellant is entitled for refund of the Court Fee paid by him 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 appellant 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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