



WEB COPY

AS No. 771 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

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

**AS No. 771 of 2023
and
C.M.P.No.26992 of 2023**

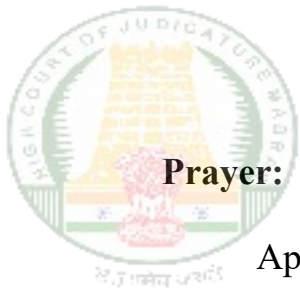
1. T. Ayyasamy Jain
S/o. Jeenadoss Jain, No.10, Kaveri
Street Alias Kanniyamman Koil Street,
Ellappa Nagar, Cheyyar Town,
Tiruvannamalai Dist. resided at 42/36,
Kulakarai St, Pachaiyamman Koil St,
Near Devi Easwari Home, 2nd Floor,
D.No. 5, Thirumullaivoyil,
Chennai 600 062,
Now residing at D.No. 5,
Venkatachalapathy Cross Street,
Rajakilpakkam,
Kamarajapuram, Chennai 600 073

Appellant(s)

Vs

T.R. Ganesh
S/o. T.R.Ramachandran, No. 4/443,
Kanniyamman Koil Street,
Kizhpudhupakkam Extension,
Cheyyar Town, Cheyyar Taluk,
Tiruvannamalai District.

Respondent(s)

**Prayer:**

Appeal Suit filed under Section 96 of the Civil Procedure Code, to set aside the Judgment and Decree dated 26.07.2023 in O.S.No.22 of 2017 on the file of the Additional District Court (FTC), Arani, Tiruvannamalai.

For Appellant : T.Ayyasamy Jain (Party-in-Person)

For Respondent(s): Mr.B.Jawahar

JUDGMENT

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

The appeal came up for consideration on 04.12.2025. The appellant appeared as party-in-person. The following was the order passed on 04.12.2025:

“The appeal arises from a suit for Specific Performance. The suit had been decreed. The defendant in the suit is in appeal before this Court.

2. Under the agreement, the total sale consideration for conveying the property was Rs.75,00,000/- (Rupees Seventy Five Lakhs only). An advance amount of Rs.35,00,000/-(Rupees Thirty Lakhs only) had been paid. After the decree, the balance sum of Rs.40,00,000/-(Rupees Forty Lakhs only) had also been deposited in Court. Naturally, that amount has now gathered interest. However, the sale deed will have to reflect the amount agreed between the parties and the consideration they had agreed, namely Rs.75,00,000/-. To that extent, the sale deed may be executed.

3. Independent of this, the accrued interest amount may be paid to the appellant namely T.Ayyasamy Jain, S/o.Jeenadoss Jain by the Additional District Court / Fast Tract Court (FTC), Arani, Thiruvannamalai, where the amount has been deposited to the credit of O.S.No.22 of 2017. A direction is given that the balance



sale consideration of Rs.40,00,000/- (Rupees Forty Lakhs only) together with the accrued interest, must be released to the appellant herein on proper identification by the Additional District Court / Fast Tract Court (FTC), Arani, Thiruvannamalai, even without issuing notice to the plaintiff in the suit, provided the appellant herein/defendant in the suit executes the sale deed.

4. In view of the settlement reached between the parties, the appellant would also be entitled for refund of Court fees as paid before this Court as per rules, since the matter has been settled by the parties, exercising due prudence.

5. For Reporting Compliance, list the matter before this Court on 09.12.2025.

2. It is reported today that in compliance with the directions, the sale deed had been executed on 08.12.2025 in the office of the Joint Sub-Registrar-II, Cheyyar, Thiruvannamalai District.

3. Since there has been compliance of execution of the sale deed, the Execution Petition filed by the respondent herein in E.P.No.10 of 2025, which is now pending before the Additional District Court, Arani, Thiruvannamalai District, no longer survives and the same is dismissed by this Court.

4. However, in the Execution Petition, there has been a deposit of Rs.40,00,000/- (Rupees Forty Lakhs only), which has also accrued interest. The said amount of Rs.40,00,000/-(Rupees Forty Lakhs only) together with accrued interest is payable to the appellant herein, Mr.T.Ayyasamy Jain, S/o.Jeenadoss Jain.



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5. If a memo is filed by Mr.T.Ayyasamy Jain, S/o.Jeenadoss Jain, before the trial Court, seeking return of the said amount of Rs.40,00,000/- (Rupees Forty Lakhs only) together with interest, even without issuing notice, the learned trial Court may direct return of the said amount deposited to Mr.T.Ayyasamy Jain, S/o.Jeenadoss Jain.

6. Since the parties have entered into a settlement, the appellant herein is also entitled for refund of Court fees in the appeal suit.

7. In the result, the appeal suit stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) (K.B., J.)
09-12-2025

Note: Issue order copy on 09.12.2025.

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To:

1. The Additional District Court (FTC), Arani,
Thiruvannamalai.

2. The Section Officer,
VR Section,
High Court, Madras.

3. T.R. Ganesh
S/o. T.R. Ramachandran, No. 4/443,
Kanniyamman Koil Street,
Kizhpudhupakkam Extension, Cheyyar
Town, Cheyyar Taluk, Tiruvannamalai
Dist.



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and
K.KUMARESH BABU, J.

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