

SA(MD)No.214 & 215 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **05.08.2025**

CORAM :

THE HONOURABLE **MR. JUSTICE G.ARUL MURUGAN**

S.A.(MD)No.214 & 215 of 2019

1.M.Shajahan

2.M.Jahangir

... Appellants in both appeals

Vs

1.V.Subramanian

2.S.B.Kathiresan

3.S.B.Ravi Babu @ Ravindrapandi

4.Azhagarsami (Died)

5.R.Saraswathi

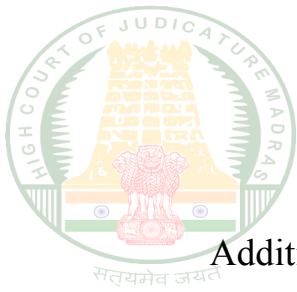
6.A.Pulivaganan

7.A.Mayilvaganan

... Respondents in both appeals

(R5 to R7 are brought on record as LR's of the deceased 4th respondent vide common order dated 23.07.2025 made in CMP(MD)Nos.11775, 11777, 11779, 11788, 11790 & 11793 of 2025.)

COMMON PRAYER: Second Appeals filed under Section 100 C.P.C., to set aside the judgment and decree dated 23.06.2017 made in AS No.22 of 2016 and in Cross Appeal A.S.No.24 of 2016 on the file of the



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Additional District & Sessions Judge, Periyakulam, against the judgment and decree dated 06.09.2016 made in OS No.81 of 2010 on the file of the learned Subordinate Judge, Uthamapalayam.

Appearance in both appeals:-

For Appellants : Mr.C.M.Arumugam

For Respondents : Mr.S.M.Ramasiva (R1 to R3)

COMMON JUDGMENT

The second appeals in SA(MD)Nos.214 & 215 of 2019 arise out of the common judgment passed in AS(MD)No.22 of 2016 and AS(MD)No. 24 of 2016 on the file of the Additional District & Sessions Judge, Periyakulam, which resulted from the judgment and decree dated 06.09.2016 in OS No.81 of 2010 on the file of the Subordinate Judge, Uthamapalayam.

2. The appellants herein, who are the plaintiffs had filed the suit seeking for specific performance of the sale agreement dated 15.12.1996 for the property measuring an extent of 5.66 acres. The suit was also



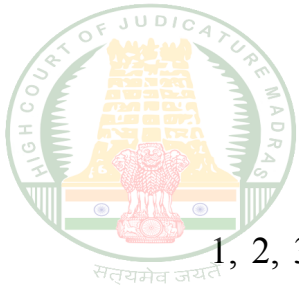
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filed for further relief to declare the sale deeds dated 02.04.2001 and 17.07.2009 as null and void.

3. The suit came to be dismissed, against which, two separate first appeals were filed, wherein AS(MD)No.22 of 2016 was dismissed and AS(MD)No.24 of 2016 came to be allowed on 23.06.2017. The above two second appeals are now preferred by the appellants / plaintiffs.

4. Pending appeals, the parties had negotiated and amicably sorted out the issues among themselves. As per the compromise entered into, the respondents / defendants had come forward to convey an extent of 1.90 acres in the western side, out of the total extent of 5.66 acres as per the detailed description given in the memo, in view of the consideration that has been received by them in the sale agreement. The parties have duly entered into a joint compromise memo dated 31.07.2025 setting out terms of compromise.

5. Both the appellants are before this Court, who had signed the compromise memo along with their counsel on record. The respondents



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1, 2, 3, 6 and 7 are before this Court, who had signed the compromise memo along with their counsel on record. The fourth respondent had died. The fifth respondent, who had signed the compromise memo, due to her old age, appears through video conference facility and all the parties, unanimously confirm the compromise entered into.

6. In view of the above, the second appeals are disposed of in terms of the joint compromise memo dated 31.07.2025. The compromise memo dated 31.07.2025 shall form part and parcel of the decree in both the appeals. There shall be no order as to costs.

05.08.2025

NCC :Yes/No
Index :Yes/No
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TO:-

1. The Additional District & Sessions Judge, Periyakulam.
2. Subordinate Judge, Uthamapalayam.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ARUL MURUGAN, J.

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Common judgment made in
S.A.(MD)No.214 & 215 of 2019

Dated:
05.08.2025