



A.S.(MD)No.160 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**A.S.(MD)No.160 of 2022
and
C.M.P.(MD)No.6602 of 2022
and
C.M.P.(MD)No.4819 of 2025**

R.Alagukumar

... Appellant

Vs.

1.Annakili

2.The Sub Registrar,
Mathugupatti Sub Registrar Office,
Mathugupatti,
Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, to set aside the judgment and decree dated 08.10.2021 passed in O.S.No.29 of 2016 on the file of the Principal District Court, Sivagangai.



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For Appellant : Mr.S.Rajasekar

For Respondents : Mr.N.Tamil Mani for R1.
Mr.R.Suresh Kumar,
Addl. Government Pleader for R2.

JUDGMENT

Heard both sides.

2.The appellant filed O.S.No.29 of 2016 on the file of the Principal District Court, Sivagangai seeking the relief of specific performance. The Court below vide judgment and decree dated 08.10.2021 dismissed the suit. Aggrieved by the same, this appeal came to be filed.

3.When the matter was taken up for hearing, the learned counsel for the appellant submitted that the appellant may be permitted to file amendment petition for return of the advance amount. Accordingly, C.M.P.(MD)No.4819 of 2025 was filed. This civil miscellaneous petition is allowed.



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4.The appellant submitted that he would not press the relief of specific performance and that he would be satisfied if the advance amount is repaid with interest at the rate of 7.5%.

5.The contesting defendant / Annakili is present in person along with her son / K.Balaskrishnan. She undertakes to return a sum of Rs.17,50,000/- within a period of 4 ½ months from today ie., 01.04.2025.

6.Since the issue has been amicably settled by way of compromise between the parties, the appellant is entitled to refund of the court fee paid by him before this Court.

7.This appeal is disposed of in the following terms.

(a) The first respondent is directed to return a sum of Rs.17,50,000/- within a period of 4 ½ months from today ie., 01.04.2025 to the appellant. Till the said amount is repaid, there will be charge on the suit property.



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(b) The appellant is entitled to refund of the court fee paid by him in this Court for filing the appeal.

(c) The Registry is directed to refund the court fee forthwith paid by the appellant. The compromise memo dated 01.04.2025 signed by the parties and their respective counsels shall form part of the decree. No costs. Consequently, connected C.M.P.(MD)No.6602 of 2022 is closed.

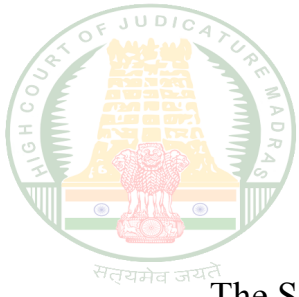
(G.R.S. J.) & (M.J.R. J.)
01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1. The Principal District Court,
Sivagangai.
2. The Sub Registrar,
Mathugupatti Sub Registrar Office,
Mathugupatti,
Sivagangai Taluk,
Sivagangai District.

Copy to:



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The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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and
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