



AS(MD). No.61 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2025

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE Mr.JUSTICE R.VIJAYAKUMAR

**AS. (MD). No.61 of 2020
and CMP(MD) No.2025 of 2020**

M.Abdul Wahab

**Appellant/4th
defendant**

Vs

**1.K.Peer Mohammed
2.J.Syed Mazeeth**

Respondents/plaintiffs

**3.H.Beema John
4.T.Usain Kaja
5.Syed Ali Fathima
6.M.Anarkali
7.M.Gowtharnisha**

**Respondents/
Defendants 1,2,3,5&6**

**PRAYER :-Appeal suit filed under Section 96 of the Code of Civil
Procedure against the judgment and decree dated 21.01.2019 in OS No.
29 of 2012 on the file of the III Additional District Judge, Tirunelveli.**

**For Appellant : Mr.P.Thiagarajan
For Respondent : Mr.H.Arumugam for R1 & R2
R3 to R7 given up**



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JUDGMENT

(Judgment of the Court was delivered by C.V.KARTHIKEYAN, J.)

The appeal had been filed against the judgment and decree dated 21.01.2019 in OS No.29/2012 on the file of the III Additional District Court, Tirunelveli.

2. The 4th defendant in OS No.29/2012 on the file of the III Additional District Court, Tirunelveli is the appellant herein. The 1st and 2nd respondents were the plaintiffs in the said suit. The 3rd - 7th respondents were the other defendants - 1,2,3,5 and 6.

3. A memo has been filed by the learned counsel for the appellant giving up the 3rd - 7th respondents in the appeal suit. The Registry may note in the cause title while issuing the order copy that the 3rd - 7th respondents have been given up by the appellant.

4. Independent of that, the appellant and the 1st and 2nd respondents had the benefit of their issues being settled before the Mediation and



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Conciliation Centre. We had referred the matter to the Mediation and Conciliation Centre attached to this Bench. An agreement had been reached between them and a joint compromise memo dated 04.11.2025 had been presented before this Court. This has been signed by the appellant and the 1st and 2nd respondents and also by their counsels. The terms of joint compromise are as follows:

“3. Pending the above appeal suit at the instance of well-wishers of both the party's mediation was taken place and as the outcome of the mediation the dispute between the parties is amicably settled on the following terms:

[a] "The plaintiffs/defendants 1 and 2 agreed that they have accepted the registered sale deed dated 16.06.2011 executed by the 3rd defendant in favour of the 4th defendant/appellant and the possession and enjoyment of the appellant, upon the receipt of the full claim amount by the 1st plaintiff, towards their full satisfaction, and agreed to set aside the judgment and decree dated 21.01.2019 made in O.S. No. 29 of 2012 on the file of the Third Additional District Court, Tirunelveli, and to allow the above Appeal Suit in A.S (MD) No. 61 of 2020 in favour of the appellant/4th defendant.

[b] The 2nd respondent/2nd plaintiff



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has not received any amount in the settlement, and he agrees that the amount was settled to the 1st respondent. Further, the 1st respondent/1st plaintiff alone is entitled to get back the balance sale consideration of a sum of Rs. 7,11,500/- [Rupees Seven Lakhs Eleven Thousand and Five Hundred) with accrued interest deposited by him before the trial court." The appellant and the 2nd respondent have no objection to the same.

4. Since the respondents 3 to 7 in the appeal suit are not having any right and interest over the suit scheduled property and they remained absent in the above appeal suit they are all not necessary parties to this Joint Memorandum of Compromise”.

5. In view of the joint compromise memo, the judgment and decree passed in OS No.29/2012 dated 21.01.2019 are set aside and the Appeal Suit is decreed in terms of the joint compromise memo. The joint compromise memo shall form part of the decree.

6. In view of the fact that settlement had been reached before the Mediation Centre, the appellant is entitled for refund of Court fee in accordance with the Rules. It is also to be noted that in terms of the joint



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compromise memo, the 1st respondent/1st plaintiff Mr.K.Peer Mohammed, S/o.Khadar Mydeen is entitled to claim the sale consideration, which had been deposited to the credit of OS No.29/2012 on the file of the III Additional District Court at Tirunelveli. If necessary application is filed by the 1st respondent/K.Peer Mohammed, appropriate orders in accordance with the joint compromise memo may be passed by the concerned Court. No costs. Consequently connected Miscellaneous Petition is closed.

[C.V.K,J]

[R.V,J]

11.11.2025

NCC : Yes/No

Index : Yes/No

RR

To

1.III Additional District Judge, Tirunelveli.

2.VR Section

Madurai Bench of Madras High Court,Madurai.



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AND
R.VIJAYAKUMAR, J.

RR

ORDER
IN
AS(MD) No.61 of 2020

Date : 11.11.2025