



C.R.P.(MD).No.1645 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.1645 of 2021
and CMP(MD).No.8913 of 2021

Paulraj

... Petitioner

-VS-

Surulivelraj

...Respondent

PRAYER: The Civil Revision Petition has been filed under Section 115 of Civil Procedure Code, to set aside the order dated 31.08.2021 passed in I.A.No.226 of 2019 in O.S.No.395 of 2014 on the file of the Principal Subordinate Judge, Palani.

For Petitioner : Mr.K.Elangovan

For Respondent : Mr.D.Venkatesh

ORDER

The present revision petition has been filed by the defendant in O.S.No.395 of 2014 on the file of the Principal Subordinate Court, Palani challenging the order passed in I.A.No.226 of 2019 wherein the request of



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the revision petitioner to condone the delay of 505 days in setting aside the exparte decree was rejected.

2.A perusal of the records reveal that the respondent herein had filed the above said suit for the relief of specific performance. An exparte decree came to be passed on 04.09.2017. Pursuant to the exparte decree, the Court has already executed a sale deed in favour of the respondent/plaintiff. Thereafter, an application in I.A.No.226 of 2019 was filed by the defendant to condone the delay in filing Order 9 Rule 13 C.P.C application. The said application was dismissed. Challenging the same, the present civil revision petition has been filed.

3.Pending this civil revision petition, the parties have agreed to settle the issue wherein the plaintiff had agreed to reconvey the property in favour of the defendant. To the said effect, a joint memo of compromise has been filed by the parties on 05.02.2025. The compromise memo was signed by both the parties and their respective counsels.

4.Paragraph Nos. 2 and 3 of the compromise memo are extracted as follows:

*“2.The above Civil Revision Petition is now settled
between the petitioner and the respondent on 25.01.2025*



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with settled out of Court and the following are the terms and conditions.

a. The petitioner has given as on advance for sale agreement to the respondent sum of Rs.5,25,000/- (Rupees five lakhs and twenty five thousand only) and remaining sale consideration Rs.10,00,000/- (ten lakhs) should be paid before the Sub Registrar, Chatrapatti and the respondent undertake to execute the sale deed of the residential house of the description of property in the plaint filed by the respondent/plaintiff before the Principal Sub Court, Palani in O.S.No.395 of 2014.

b. The respondent after receiving the balance consideration Rs.10,00,000/- (Rupees Ten Lakhs) and he will execute the sale deed with a period of 2 months from the date of receiving the copy of compromise order from this Hon'ble Court.

c. The petitioner undertake to give all the expenses for the registration including the stamp duty of the sale deed within a period of two months from the date of receiving the copy of the compromise order of this Hon'ble Court and pay the remaining balance of Rs.10,00,000/- (Ten Lakhs) before the Sub Registrar, Chatrapatti for execution of sale deed.

3. The petitioner and the respondent agrees to the above terms with free will and this settlement memo filed to that effect.”



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5.Both the parties appeared in person before this Court and acknowledged the fact that they have entered into a joint compromise.

6.This Civil Revision Petition stands disposed of in terms of the said compromise memo. The compromise memo shall form part of the order. No costs. Consequently connected miscellaneous petition is closed.

05.02.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

1.The Principal Subordinate Judge, Palani.

3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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