



WEB COPY

S.A.(MD).No.408 of 2015

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD)No.408 of 2015

H.Abushahman

... Appellant

/Vs./

S.Uma

...Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the Judgment and Decree in A.S.No.42 of 2012 on the file of the Additional District and Sessions Court, Dindigul dated 23.02.2015 reversing the Decree and Judgment in O.S.No.473 of 2002 on the file of the Principal Sub Court, Dindigul, dated 20.09.2012.

For Appellant : Mr.S.C.Herold Singh

For Respondent : M/s.T.Antony Arul Raj

JUDGMENT

This Second Appeal is filed to set aside the Judgment and Decree in A.S.No.42 of 2012 on the file of the Additional District and Sessions Court, Dindigul dated 23.02.2015 reversing the Decree and



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Judgment in O.S.No.473 of 2002 on the file of the Principal Sub Court, Dindigul, dated 20.09.2012.

2. The suit in O.S.No.473 of 2002 was filed by the plaintiff for specific performance to enforce the sale agreement, dated 19.08.1999 by fixing sale consideration as Rs.4,90,000/-. The suit was allowed. Aggrieved over the same, the defendant has preferred an appeal in A.S.No.42 of 2012 and the same was allowed by reversing the Judgment and Decree of Trial Court. Aggrieved over the same, the plaintiff is before this Court by way of filing this Second Appeal.

3. Pending this Second Appeal, the parties have entered into compromise and the compromise memo, dated 25.11.2024 has been filed. In the said compromise memo, all the parties to the second appeal have signed, which have also been countersigned by the respective counsels.

4. Accordingly, the present second appeal is disposed of in terms of the memo of compromise. The defendant has agreed to return Rs.90,000/-to the plaintiff and the plaintiff is permitted to withdraw



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balance amount which was deposited before the Trial Court. The suit shall be decreed as per the Compromise memo. The memorandum of compromise, dated 25.11.2024 shall form part and parcel of this Judgment and Decree. There shall be no order as to costs.

09.01.2025

Index : Yes / No

NCC : Yes / No

KSA

TO:

1. The Additional District and Sessions Court, Dindigul.
2. The Principal Sub Court, Dindigul.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

Judgment made in
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