



C.R.P.(MD)No.2323 of 2019 and extra cases

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2323 of 2019 and 16 of 2020 and C.M.A.(MD).No.21 of 2020

and

C.M.P.(MD).Nos.12236 of 2019 and 71 of 2020

C.R.P.(MD).Nos.2323 of 2019 and 16 of 2020

A.R.Rajagopal (died)

2.Bhanumathi

3.Ramya

4.Rangeesh

...Petitioners

(Petitioner Nos.2 to 4 are brought on record as legal representatives of the deceased sole petitioner vide Court order dated 09.09.2022 made in C.M.P. (MD).Nos.10777 and 11335 of 2021 in CR.P.(MD).Nos.2323 of 2019 and 16 of 2020)

Vs.

V.Indira

...Respondent

PRAYER in C.R.P.(MD).No.2323 of 2019 : Civil Revision Petition is filed under Section 115 CPC to call for the records pertaining to the fair and decreetal order made in E.A.No.1 of 2019 dated 05.08.2019 in E.P.No.49 of



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2019 in O.S.No.42 of 2018 on the file of the learned I Additional District Judge (PCR), Tiruchirappalli and set aside the same by allowing the present Civil Revision Petition.

PRAYER in C.R.P.(MD).No.16 of 2020 : Civil Revision Petition is filed under Section 115 CPC to call for the records pertaining to the fair and decreetal order made in I.A.No.1 of 2019 in O.S.No.42 of 2018, dated 05.08.019 on the file of the learned I Additional District Judge (PCR), Tiruchirappalli and set aside the same by allowing the present Civil Revision Petition.

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For Petitioners : Mr R.Rajaraman

For Respondent : Mr.M.Saravanan

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A.R.Rajagopal

...Appellant

Vs.

V.Indira

...Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 43 Rule 1 of CPC to call for the records pertaining to the fair and decreetal order in E.A.No.2 of 2019 dated 05.08.2019 in E.P.No.49 of 2019 in O.S.No.42 of 2018 on the file of



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the learned Additional District Judge, Tiruchirappalli and set aside the same by allowing the present Civil Miscellaneous Application.

For Petitioners : Mr R.Rajaraman

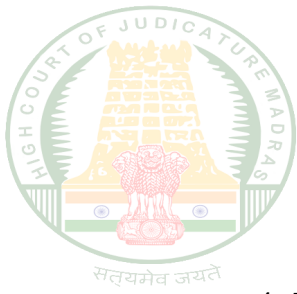
For Respondent : Mr.M.Saravanan

COMMON ORDER

C.R.P.(MD).No.2323 of 2019 has been filed to set aside the fair and decreetal order made in E.A.No.1 of 2019 dated 05.08.2019 in E.P.No.49 of 2019 in O.S.No.42 of 2018 on the file of the learned I Additional District Judge (PCR), Tiruchirappalli.

2. C.R.P.(MD).No.16 of 2020 has been filed to set aside the fair and decreetal order made in I.A.No.1 of 2019 in O.S.No.42 of 2018, dated 05.08.019 on the file of the learned I Additional District Judge (PCR), Tiruchirappalli.

3. C.M.A.(MD).No.21 of 2020 has been filed to set aside the fair and decreetal order in E.A.No.2 of 2019 dated 05.08.2019 in E.P.No.49 of 2019 in O.S.No.42 of 2018 on the file of the learned Additional District Judge, Tiruchirappalli.



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4. The learned counsel appearing for the petitioners would submit that the respondent herein had filed a suit in O.S.No.42 of 2018 before the learned I Additional District Judge (PCR), Tiruchirappalli, seeking the relief of specific performance. The said suit was decreed ex parte on 16.11.2018. The petitioner thereafter filed an Interlocutory Application in I.A.No.1 of 2019 under Section 5 of the Limitation Act to condone the delay of 135 days in filing the petition to set aside the ex parte decree. The said application was dismissed on 05.08.2019. Challenging the same, the petitioner herein filed C.R.P.(MD).No.16 of 2020 before this Court. Thereafter, the respondent filed Execution Petition No.49 of 2019 to execute the sale deed. Against the said execution proceedings, the defendant in the suit filed Execution Application Nos.1 and 2 of 2019 which also came to be dismissed. Challenging the same, C.R.P.(MD).No.2323 of 2019 and C.M.A.(MD).No.21 of 2020 have been filed.

5. The learned counsel appearing for the petitioners would further submit that during the pendency of these cases, the defendant in the suit passed away and his legal heirs have been brought on record. He would further submit that the respondent/plaintiff agreed to receive a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) in full and final settlement of the decree granted by the Trial



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Court, which was also confirmed in the execution proceedings, and that the respondent has further agreed to withdraw the suit.

6. Today, the respondent appeared before this Court and agreed to receive Rs.30,00,000/- (Rupees Thirty Lakhs only) as full and final compensation towards the suit claim. Both parties have filed a Joint Compromise Memo before this Court, duly signed by the parties as well as their respective counsels. The respondent has acknowledged the receipt of the entire sum of Rs. 30,00,000/- (Rupees Thirty Lakhs only) in full satisfaction of her claim and affirmed that she has no further subsisting rights under the decree. This Court has also personally identified the parties.

7. In view of the above, these petitions stand disposed of in terms of the joint compromise dated 18.08.2025. No costs. The said compromise memo shall form part and parcel of the order. Consequently, the connected miscellaneous petitions are closed.

18.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The I Additional District Court (PCR), Trichy.



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



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M.DHANDAPANI, J.

TSG

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2020

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