

S.A.No.216 of 2002

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

S.A.No.216 of 2002

1.Sudalaimuthu Konar (Died)
Represented by its Power Agent,
M.Arumugam.

... Appellant/Respondent
Plaintiff

2.Velammal

3.Mariammal

... Appellants 2 & 3

(Appellants 2 & 3 brought on record as LRs of the deceased first appellant vide order, dated 19.08.2005 made in C.M.P(MD)No. 1911 of 2005 in S.A.No.216 of 2002)

Vs.

1.Arumugathammal (Died)

... Respondent/ Appellant/
Defendant

2.Esakkimuthu Konar (Died)

3.Radhakrishna Konar

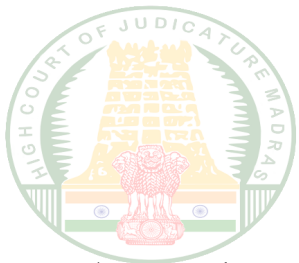
... Respondents 2 & 3

(Respondents 2 & 3 are brought on record as LRs of the deceased first respondent vide order, dated 18.08.2010 made in M.P(MD)No.1 of 2008 in S.A.No.216 of 2002)

4.E.Indira Ammal (Died)

5.E.Ramasubbu Doss

... Respondents 4 & 5



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(Respondents 4 & 5 are brought on record as LR's of the deceased second respondent vide Court order, dated 03.08.2023 made in M.P(MD)Nos.1 of 2012 and 1 of 2013 in S.A.No.216 of 2002)

6.Sakunthala

7.Ramasubbulakshmi @ Amutha ... Respondents 6 & 7

(Respondents 6 & 7 are impleaded as LR's of the deceased second respondent vide Court order, dated 03.08.2023 made in M.P(MD)Nos.1 of 2012 and 1 of 2013 in S.A.No.216 of 2002)

(Memo, dated 19.09.2023 filed on 20.09.2023 in USR No. 32653 is recorded to the effect that R4 Died, and R5 to R7, who are already on record are recorded as LR's of the deceased R4, vide Court order, dated 21.09.2023 made in S.A.No.216 of 2002)

(Name of the respondents 5 & 7 amended vide Court order, dated 22.01.2024 made in C.M.P(MD)No.655 of 2024 in S.A.No.216 of 2002)

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, against the judgment and decree in A.S.No.52 of 2001 on the file of the Sub Court, Tirunelveli, dated 18.10.2001 reversing the judgment and decree in O.S.No.832 of 1994 on the file of the II Additional District Munsif Court, Tirunelveli, dated 25.04.2001.

For Appellants : Mr.S.Meenakshisundaram

Senior Counsel
for Mr.T.Selvan

For R-3 & R-5
to R-7 : Mr.P.Thiagarajan



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JUDGMENT

The present Second Appeal has been filed by the plaintiff in a suit for specific performance and permanent injunction challenging the judgment and decree of the First Appellate Court.

2. The Trial Court had decreed the suit as prayed for. But on appeal, the First Appellate Court has reversed the judgment and decree of the trial Court and has proceeded to dismiss the suit. Challenging the same, the plaintiff has preferred this present second appeal. Pending second appeal, the parties have entered into a compromise and a joint compromise memo has been filed. All the parties and their respective Counsel have signed the compromise memo. They have prayed for recording the compromise and pass a decree in terms of the joint memorandum of compromise.

3. In view of the above said facts, clauses 1 to 8 in the compromise memo are extracted as follows:

"1. The appellant agrees to pay a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) towards the sale consideration for executing a registered sale



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deed with respect to the respondents' half share right in the suit schedule properties.

2. The appellant agrees to pay the said sum of Rs.7,00,000/- (Rupees Seven Lakhs only) within a period of two months from the date of receipt of copy of order without any further delay to the respondents.

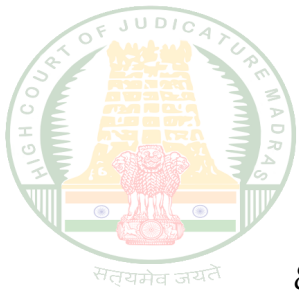
3. The respondents agree to receive the said sum of Rs.7,00,000/- (Rupees Seven Lakhs only) towards the entire sale consideration for their undivided half share right in the suit schedule properties and upon the receipt of the sale consideration, the respondents agree to execute the sale deed in favour of the appellants and to register the said sale deed.

4. The appellant agrees to inform the respondents well in advance, at least one week prior to the date on which the appellants prepared to get the sale deed executed and registered.

5. The respondents agree to receive the sale consideration of sum of Rs. 7,00,000/- (Rupees Seven Lakhs only) on the day fixed for execution of sale deed and its registration by the appellants.

6. The appellant agrees to make ready the sale deed and get it registered on their own expenses.

7. In case of failure on the part of the appellant to pay the sale consideration within the period of two months and to get the sale deed executed and registered in their favour, the respondents are entitled to get the delivery of possession of their half share in the suit schedule properties as per the final decree dated 15.07.1983 made in I.A.No.1801 of 1983 in O.S.No. 532 of 1978 on the file of the District Munsif Court, Tirunelveli and the appellant agree that he will not obstruct the delivery of possession as per the final decree passed.



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8. Both the parties agree that the above second appeal may be disposed of in terms of this joint memorandum of compromise and this joint memorandum of compromise may form part of the decree in the above second appeal."

4. A decree is passed in terms of the compromise memo. The compromise memo shall form part of the decree.

5. The second appeal stands disposed of on the terms of compromise. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

BTR

To

1.The Sub Judge,
Tirunelveli.

2.The II Additional District Munsif,
Tirunelveli.



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The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-44964 dated 21/07/2025)

+2 CC to M/s.T.SELVAN, Advocate (SR-45009 dated 22/07/2025)

S.A.No.216 of 2002

Dated: 21.07.2025

TS (20/08/2025) 6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023.