

C.R.P.(NPD)(MD).No.1916 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1916 of 2022

and

C.M.P.(MD)No.8659 of 2022, 12224 of 2025

- 1.R.Subramaniyan(Died)
- 2.Pakkiyalakshmi
- 3.Maheswari
- 4.Muthuselvi
- 5.Harihara Sudhan
- 6.Mahara Jyothi
- 7.Senthil Kumar
- 8.Minor Santhosh
- 9.Minor Rupashre

... Petitioners

[Petitioners 2 to 9 are brought on record as Lrs of the deceased sole petitioner vide order dated 08.01.2025]

[Minor 8th and 9th petitioners are represented by their father natural guardian, 7th petitioner]

Vs.

- 1.K.Vijayalashmi
- 2.Kamatchi
- 3.G.Marreswari
- 4.M.Jeyaraman
- 5.M.Rarajaram

... Respondents



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PRAYER: Civil Revision Petition - filed Section 115 of the Civil Procedure Code, to set aside the order passed in E.A.No.30 of 2011 in E.P.No.5 of 1995 in O.S.No.77 of 1991 on the file of the District Munsif, Virudhunagar dated 01.08.2015.

For Petitioner : Mr.S.Kadarkarai
For R1 : Mr.M.Jothi Basu

ORDER

This Civil Revision Petition is filed challenging the order passed in E.A.No.30 of 2011 in E.P.No.5 of 1995 in O.S.No.77 of 1991 on the file of the District Munsif, Virudhunagar dated 01.08.2015.

2.The first petitioner is the fourth defendant in the suit in O.S.No.77 of 1991 filed for specific performance directing the defendants to receive the balance sale consideration from the plaintiff/first respondent and execute the sale deed in respect of the suit schedule property. The said suit was partly decreed directing the defendants 1 to 3 to pay a sum of **(*)Rs.6,500/-** to the plaintiff failing which, to pay the said amount along with 12% interest from the date of agreement, viz., 10.06.1990 to till the date of payment. Thereafter, the plaintiff filed an execution petition in E.P.No.5 of 1995. Aggrieved by the execution proceedings, the petitioner filed an application in E.A.No.30 of 2011. The said application was dismissed. Challenging



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the same, the petitioner has filed the present Civil Revision Petition.

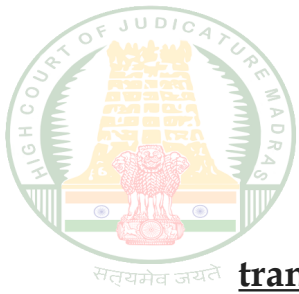
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3.Today, when the matter is taken up for hearing, the learned counsel for the petitioners as well as the first respondent/plaintiff submitted that the plaintiff has agreed to receive a sum of Rs.60,000/- as full and final settlement and not to proceed with the execution proceedings.

4.The petitioner as well as the first respondent/plaintiff appeared in person before this Court. The petitioner has handed over a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the plaintiff/first respondent as full and final settlement in cash and the first respondent/plaintiff also received the said amount.

(*)5.The petitioner / fourth respondent has also given an undertaking before this Court that he will not disturb the common pathway, which is to the west of the disputed property in the suit, situated in Survey No.669/8, Meesalur, Virudhunagar Taluk, being enjoyed by the respondent / plaintiff and other residents in that locality.

6.In view of the settlement reached between the parties, this Civil Revision Petition is closed and the subsequent



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transaction, if any, made in view of the execution proceedings,
in Doc.No.3 of 2004 dated 07.05.2004, is hereby set aside. No
costs. Consequently, connected miscellaneous petitions are
closed."

Sd/-

07.08.2025

(*)Corrected as per order of this Court dated 22/08/2025 made in CRP(MD)No. 1916 of 2022

Sd/-

Assistant Registrar (CS III)

// True Copy //

/08/2025

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

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To:-

1.The District Munsif Court, Virudhunagar.

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

+1 CC to M/s.S.KADARKARAI, Advocate (SR-49635[F] dated 07/08/2025)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-49871[F] dated 08/08/2025)

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JJ/08.09.2025 4P/6 C

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