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A.S.Nos.263 and 191 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM :

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

A.S.Nos.263 and 191 of 2007

1. Subbathal (deceased)

2. P.Kalamani

3. P.Muthulakshmi

4. P.Selvi

Appellants 2 to 4 brought on record as Lrs of deceased sole appellant and sole respondent P.Viswanathan recorded as LR of deceased sole appellant vide order of the Court dated 29.11.2011 made in MP.No.1 of 2007 in A.S.No.263 of 2007.

... Appellants in A.S.No.263 of 2007

1. Kulandaiammal

2. P.Chandrasekar

... Appellants in A.S.No.191 of 2007

P.Chandrasekar impleaded as second appellant vide Court order dated 04.09.2025 made in CMP.No.27824 of 2024 in A.S.No.191 of 2007

Versus

P.Viswanathan

... Respondents in A.S.No.263 of 2007

1. Subbathal (deceased)

2. P.Viswanathan

3. P.Kalamani

4. P.Muthulakshmi

5. P.Selvi

(RR3 to 5 brought on record as Lrs of deceased R1 vide order of the Court dated 02.12.2011 made in M.P.No.1 of 2011 in A.S.No.191 of 2007.

... Respondents in A.S.No.191 of 2007

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A.S.Nos.263 and 191 of 2007

Common prayer : Appeal Suits filed under Section 96 and Order XLI Rule I of Code of Civil Procedure, to set aside the decree and judgment dated 31.07.2006 in O.S.Nos.10 and 2 of 2005 respectively on the file Additional District Court (Fast Track Court – 5) Coimbatore.

For Appellants
in A.S.No.263 of 2007 : Mr.R.Bharath Kumar

For Appellants
in A.S.No.191 of 2007 : Mr.K.Goviganesan

For Respondents in
A.S.No.263 of 2007 : Mr.N.Krishnakumar for
M/s.Sarvabhauman Associates

For Respondents in
A.S.No.191 of 2007 : Mr.R.Bharath Kumar for R3 to R5

Mr.N.Krishnakumar for
M/s.Sarvabhauman Associates for R2

COMMON JUDGMENT

These appeals have been filed seeking to set aside the decree and judgment dated 31.07.2006 made in O.S.Nos.10 and 2 of 2005 respectively on the file Additional District Court (Fast Track Court – 5) Coimbatore.

2. Heard the learned counsel appearing on either side.

3. When the matter is taken up for hearing today, learned counsel appearing for the parties submitted that, during the pendency of the above
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appeals, the parties have arrived at a compromise through mediation centre attached with Tiruppur District Court and to that effect settlement agreement dated 05.01.2026 entered between the parties, which has been signed by the parties. The learned counsel appearing on either side prays to pass decree in terms of the settlement agreement.

4. In view of the above, the said settlement agreement dated 05.01.2026 entered between the parties is extracted herein:

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into on 05/01/2026 between Chandrasekhar and Suk

and

Subbathal (Dial) & 4 others

WHEREAS

1. Disputes and differences had arisen between the parties hereto and AS: 191/2007 was filed on 2007 before High Court of Judicature at Madras AS 263/2007

2. The matter was referred to Mediation/Conciliation vide an order dated 31/10/2025 passed by THE HONOURABLE MR. JUSTICE K. J. THIRUMAN

3. The parties agreed that M. LATHA MBHESHWARI would act as their Mediator/Conciliator.

4. Several meetings were held during the process of Mediator/Conciliation 14-11-2025 to 05-01-2026 and the parties have with the Assistance of the Mediator / Conciliator voluntarily arrived at an amicable Solution resolving the above-mentioned disputes and differences.



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5. The parties here to confirm and declare that they have voluntarily and of their own free will arrived at this settlement Agreement in the presence of the Mediator/Conciliator.

6. The following Settlement has been arrived at between the parties here to:

A.

B.

THE TERMS OF SETTLEMENT
ATTACHED IN SEPARATE SHEET

C.

7. By signing this Agreement, the parties here to state that they have no further claims or demands against each other with respect to AS: 191/2007 (Case No) AS 263/2007 and the disputes and different in this regard have been amicably settled by the Parties here to through the process of Mediation/Conciliation.

DATE: 05/01/2026 'Rdt 2 P. V. Sankar 3 P. K. G. Ramani

PARTIES SIGNATURE: (Petitioner) 4 P. S. Sankar 5 P. S. Sankar
(Respondent)

COUNSEL'S SIGNATURE: (Petitioner) (Respondent)



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**IN THE COURT OF THE HON'BLE HIGH COURT OF JUDICATURE AT
MADRAS**

A.S.No. 191 /2007

O.S.No. 2 /2005

**(on the file of the Additional District and Sessions Judge,
(Fast Track Court No.V) Coimbatore at Tirupur)**

- 1) Kulandaiammal
- 2) Chandrasekar

.. APPELLANTS

... VERSUS ...

- 1) Subbathal (Died)
- 2) Viswanathan
- 3) P.Kalamani
- 4) P.Muthulakshmi
- 5) P.Selvi

.. RESPONDENTS

A.S.No. 263 /2007

O.S.No. 10 /2005

**(on the file of the Additional District and Sessions Judge,
(Fast Track Court No.V) Coimbatore at Tirupur)**

- 1) Subbathal (Died)
- 2) P.Kalamani
- 3) P.Muthulakshmi
- 4) P.Selvi

.. APPELLANTS

... VERSUS ...

P.Viswanathan

.. RESPONDENT

1. *P.Selvi*

2. *P.Viswanathan*

3. *P.Kalamani*

4. *P.Muthulakshmi* 5. *P.Selvi*



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MEMORANDUM OF COMPROMISE

1) It is humbly submitted that originally the respondent in A.S.No.263/2007 had filed the suit for Declaration and Permanent Injunction in O.S.No.10/2005 on the file of the Fast Track Court No.V Tirupur and the same was decreed in his favour and against that his mother Subbathal (first respondent) had filed the above present appeal A.S.No.263/2007 before this Hon'ble Court. Pending the appeal, the first appellant died and the appellants 2 to 4 have been impleaded.

2) It is submitted that another suit O.S.No.2/2005 was filed by one Kulandammal (first appellant in A.S.No.191/2007) for the same suit property against respondents 1 and 2 for specific performance. The said suit for specific performance was dismissed by the Trial court and alternative prayer for refund of advance amount was ordered. Against the dismissal of specific performance the said Kulandammal (First appellant) had filed the above appeal and taken on file in A.S.No.191/2007. Pending the appeal, the said appellant has executed a Registered Decree assignment deed dt.29/1/2016 under Document No.1242/2016 Joint.I, Sub-Registrar Office, Tirupur in favour of the second appellant Chandra sekar for due consideration and hence the decree has been assigned in favour of second appellant and he has filed an impleading petition before the Hon'ble High Court Madras and he has been impleaded as second appellant as said above. Since, the first appellant had received the decree amount from the second appellant, all the rights devolved upon the second appellant as per the deed of assignment. Therefore, the second appellant has signed in this compromise petition and received the consideration from the second respondent P.Viswanathan. Therefore, the first appellant has no right to claim any amount from the second respondent hereafter as the alternative Decree amount has been fully settled by the Second

1. P. S. S.

2. P. Viswanathan

3. P. Kalamanji

4. P. S. S. 5. P. Selvi.



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4. To P.Muthulakshmi 4th Respondent in
A.S.No.191/2007 and 3rd Appellant in
A.S.No.263/2007 through State Bank
of India, Nallur Branch, Tirupur
Dt.03/01/2026, D.D.No: 014380

- Rs.2,65,000/-
(Rupees Two Lakhs and
Sixty Five Thousand only)

4. To P.Selvi 5th Respondent in
A.S.No.191/2007 and 4th Appellant in
A.S.No.263/2007 through State Bank
of India, Nallur Branch, Tirupur
Dt.03/01/2026, D.D.No: 014379

- Rs.2,65,000/-
(Rupees Two Lakhs and
Sixty Five Thousand only)

vi) The respondent has no objection to withdraw the balance sale consideration of Rs.3,00,000/= (Rupees Three Lakhs Only) deposited in O.S.No.2/2005 by second appellant P.Chandrasekar.

vii) The respondent P.Viswanathan in two appeals can get the original title deeds from the Trial Court in both the suits by filing return of documents petition and for which the appellants have no objection for that.

viii) One 3rd party Mohan had filed a money suit and got decree and also filed execution before Principal Subordinate Judge Tirupur against the

P. S. Selvi

2 P. S. Selvi

3 P. Kalamani

4 P. S. Selvi P. Selvi



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suit property. The respondent P.Viswanathan will clear decree amount and for which appellants are not liable to pay.

4) Therefore, it is prayed that this Hon'ble Court may be pleased to record this compromise petition signed by the Parties before the District Mediation Centre, Tirupur before the Mediator on Dt.05/01/2026 and pass Suitable Orders and thus render Justice.

- 1) P.Viswanathan
- 2) P.Kalamani
- 3) P.Viswanathan
- 4) P. Selvi.


APPELLANT

(IN A.S.No.191/2007)

RESPONDENTS

(IN A.S.No.191/2007)

+

- 2) P.Kalamani
- 3) P.Viswanathan
- 4) P. Selvi.

APPELLANTS

(IN A.S.No.263/2007)

P.Viswanathan

RESPONDENT

(IN A.S.No.263/2007)



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5. Accordingly, these appeal suits are disposed of in terms of the settlement agreement dated 05.01.2026 and the same shall form part and parcel of the decree. The Court fee, if any, shall be refunded to the parties, as per the rules applicable. No Costs.

06.02.2026

Index : yes/no

Speaking/Non-Speaking order

rap

To

The Additional District Court (Fast Track Court – 5) Coimbatore



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M.JOTHIRAMAN, J.,

rap

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