



WEB COPY

SA No. 428 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 428 of 2020

Amutha

W/o.Palanivel, Nagamangalam Village,
Ariyalur Taluk, Ariyalur District

Appellant(s)

Vs

Amsu

W/o.Rajendran, Edamgimangalam
Village, Lalgudi Taluk, Trichy District

Respondent(s)

PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to against the Judgment and Decree in A.S No.36 of 2017 dated 01/04/2019 on the file of Subordinate Ariyalur, Ariyalur District reversing the Judgment and Decree in O.S No. 17 of 2011 dated 21/07/2017, on the file of Principal District Munsif, Ariyalur.

For Appellant(s): Mr.S.Kamadevan

For Respondent(s): Mr.Venkatasubban
For M/s.Sarvabhman Associates

JUDGMENT

Challenging the reversal finding of the first appellate Court, the plaintiff has filed the present Second Appeal.



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2. The plaintiff has filed the suit for specific performance. The trial Court decreed the suit by granting the relief of specific performance. Against which, the defendant had preferred an appeal in A.S.No.36 of 2017 before the learned Subordinate Judge, Ariyalur, wherein, the first appellate Court holding that Ex.A.1 agreement was not executed with an intention to sell the property and the plaintiff also failed to establish the fact that she had performed her part of the contract based on the unregistered agreement and that the original documents produced by the plaintiff itself probabalize the defence of the defendant, allowed the appeal and the suit was dismissed. As against which, the plaintiff has preferred this appeal.

3. Considering entire facts of this case, when this Court suggested the parties to settle the issue, the respondent/defendant had agreed to return the amount received from the plaintiff. In view of the same, the defendant shall pay the sum of Rs.53,000/-, which he received from the plaintiff, along with interest at the rate of 9%. from the date of the agreement till the date of realization, in turn, the plaintiff is directed to handover original documents to the defendant, three months time is granted to the respondent/defendant to pay the amount to



the plaintiff. If there is any default committed by the defendant, the case will be reopened.

4. With the above direction, this Second Appeal is disposed of . No costs.

10-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

vrc

To,

1. The Principal Sub Judge,
Ariyalur.
2. The Principal District Munsif,
Ariyalur.
3. The Section Officer,
V.R.Section, High Court. Madras.



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T.V.THAMILSELVI, J.

VRC

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