WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

AS No. 424 of 2024
CNR: {HCMA010937522024}
and
CMP.No.12723 of 2024

R. Geetha
W/o. K.K. Ragavan,
No.195/77, Car Street,
Madurantakam – 603 306,
Chengalpattu District.

..Appellant

Vs

1. V. Vaidyanathan
   S/o. Veera Raghava Reddiar,
   No.1/168, Reddiar Street,
   Melmaruvathur,
   Chengalpattu District – 603 319.

2. K. Venugopal Reddiar
   S/o. Late Kumarasamy Reddiar

3. V. Rokesh
   S/o. K.Venugopal Reddiar

4. V. Kishore
   S/o. K. Venugopal Reddiar,
   Respondents 2 to 4 are residing
   at Sundara Vinayagar Koil Street,
   No.191, Thonnadu Village,
   Neerpair Post, Madurantakam Taluk,
   Chengalpattu – 603 313.

..Respondents

Prayer: Appeal Suit is filed under Section 96 of the Civil Procedure Code, praying to set aside the judgment and decree passed in O.S.No.230 of 2018 dated 30.11.2023 on the file of the Court of Additional District Judge, Chengalpattu.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Appellant : Mr.A.Muthukumar

For Respondents: Mr.S.Ramesh for R1
No Appearance for R2 to R6

JUDGMENT

One V.Vaidyanathan laid a suit against K.Venugopal and his sons V.Rokesh and V.Kishore and the purchaser R.Geetha for the relief of preliminary decree of mortgage for sale in O.S.No.230 of 2018 on the file of the Additional District Court, Chengalpattu.

2. The trial Court upon consideration of evidence, decreed the suit in entirety and the operative portion of judgment is extracted and given hereunder:-

> *"..... preliminary decree is passed with costs. Defendants No.1 to 3 are directed to pay a sum of Rs.66,01,652/- as on 31.07.2018 with subsequent interest at the rate of 6% per annum from the date of plaint till the date of realisation. Sale deed executed by the defendants no.1 to 3 in favour of the fourth defendant dated 26.03.2018 has been declared as null and void."*

3. Aggrieved, the purchaser namely fourth defendant preferred this appeal suit.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. Mean while, the mortgagee and mortgagers have settled the matter in I.A.No.1 of 2024 in O.S.No.230 of 2018 by way of a settlement before the Lok Adalat by way of Joint Compromise Memo dated 16.09.2026.

5. When the matter came up on 18.09.2026, the learned counsel for the first respondent submitted that the matter has been settled between the parties before the Lok Adalat. Then time was granted enabling the requisite parties to execute discharge receipt.

6. The learned counsel for the appellant submits that pursuant to the compromise memo, on 15.10.2026, the plaintiff V.Vaidyanathan on receipt of Rs.84,00,000/- executed registered discharge receipt in favour of mortgagers namely respondents no.1 to 3/defendants no. 1 to 3 herein. Copy of the registered discharge receipt has also been filed before this Court along with memo.

7. The said memo is taken on record.

8. The learned counsel for the appellant/fourth defendant (purchaser of the suit property) would submit that on account of settlement arrived at between the parties and upon execution of discharge receipt by the mortgagee

https://www.mhc.tn.gov.in/judis

WEB COPY

V.Vaidyanathan, she having purchased the suit property for valid consideration and the second part of the judgment is liable to be set aside.

9. On perusal of the Ex.A-6 dated 26.03.2018, certified copy of sale deed executed by the defendants no.1 to 3 namely K.Venugopal and his sons V.Rakesh and V.Kishore in S.No.197/1, out of Acre 5.40 cents, an extent of Acre 2.70 cents was purchased. As the sale is effected during the currency of mortgage deed, the trial Court declared the said sale deed as null and void.

10. Heard the learned counsel for the appellant and the learned counsel for the first respondent/plaintiff.

11. Respondents no.2 to 4/defendants no.1 to 3, despite receipt of notice neither appeared nor entered appearance through their counsel.

12. As mentioned supra, in view of the settlement arrived at and registered discharge receipt having been executed by the first respondent, the finding of the trial Court that the sale deed executed by the defendants no.1 to 3 in favour of the fourth defendant dated 26.03.2018 has been declared as null and void stands set aside.

13. Based on the aforestated observations and discussions, appeal suit stands disposed of. Sequel to this, findings of the trial Court that the sale deed

https://www.mhc.tn.gov.in/judis

WEB COPY

executed by the defendants no. 1 to 3 in favour of the 4th defendant dated 26.03.2018 in Doc.No.636 of 2018 of Sub Register Office, Cheyyur has been declared as null and void stands set aside. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

28-10-2026

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

dh

To
1. The Additional District Court,
Chengalpattu.

2. The Section Officer,
V.R.Section,
High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

R.KALAIMATHI, J.

dh

AS No. 424 of 2024

28-10-2026

https://www.mhc.tn.gov.in/judis