



A.S.No.1265 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

A.S.No.1265 of 2025

and

C.M.P.Nos.33009 of 2025

1.T.Selvam

2.M.Anbu

... Appellants

Vs.

S.Viswanathan

... Respondent

Prayer : Appeal filed under Order 41 Rule 1 r/w. Section 96 of the Code of Civil Procedure against the judgment and decree dated 09.02.2024 passed in O.S.No.294 of 2021 on the file of the II Additional District Court, Salem.

For Appellants : Mr.A.Saravanan

For Respondent : Mr.N.Manokaran



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J U D G M E N T

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the judgment and decree of the learned II Additional District Judge, Salem, in O.S.No.294 of 2021, dated 09.02.2024, dismissing the suit for specific performance, however, ordering return of advance amount of Rs.34,43,000/- with interest @ 7% p.a. from the date of filing the suit till the date of decree and judgment and interest @ 6% p.a. till the date of realisation, the plaintiffs have filed the above Appeal.

2.Today, both the appellants/plaintiffs and the respondent/defendant are present before this Court. They would submit that they have settled the matter out of Court. The respondent/defendant has agreed to refund the entire advance amount of Rs.34,43,000/- with interest @ 10% p.a. from 01.02.2021 to 29.06.2024. The parties have entered into a joint memo of compromise, dated 11.02.2026, and the same is now filed before this Court. It is seen that both the parties have signed the joint memo of compromise in the presence of their respective counsel. The terms of the joint memo of compromise read as follows :



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“(i) That the appellants have paid advance of Rs. 25,00,000/-on 01.02.2021 and further advance of Rs. 9,43,000/- on 07.06.2021. Now the respondent has agreed to refund the entire advance amount of Rs.34,43,000/- with 10% interest from 01.02.2021 to 29.06.2024, along with suit costs of Rs. 2,93,786/- and the value of NJS used in Ex.A3 Draft Sale Deed as Rs.67,000/-, totally Rs. 49,44,683/-.

(ii) That the respondent had already credited Rs. 45,00,000/-from his bank A/c No. 20026882993, SBI, GH Road Branch, Erode to the bank account Nos. 18160100033069 and 18160100008996, Federal Bank, Konganapuram, Salem District of the appellants on 29.06.2024 for a sum of Rs. 22,50,000/- each respectively, through RTGS (Unique Transaction Reference Nos: SBINR52024062932410140 and SBINR52024062932413576). Today, the respondent has paid the remaining amount of Rs. 4,44,683/ out of Rs. 49,44,683/- by way of two demand drafts bearing Nos. 353459 and 353460 dated 09.02.2026 drawn on SBI, GH Road, Erode, each for Rs. 2,22,342/- taken in the name of the appellants 1 and 2 respectively towards full and final settlement.

(iii) That both the parties herein admit and accept the following calculation to be treated as part and parcel of the decree to be passed in the AS No. 1265 of 2025 in terms of this



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Joint Memorandum of Compromise.

<i>Advance paid under the agreement dated 01.02.2021</i>	<i>Rs.</i>	<i>25,00,000.00</i>
<i>Further advance paid on 07.06.2021</i>	<i>Rs.</i>	<i>9,43,000.00</i>
<i>Date of filing of the suit on 04.08.2021</i>		
<i>Interest of 10% between 01.02.2021 and 04.08.2021 For the advance of Rs.25,00,000/-</i>	<i>Rs.</i>	<i>1,26,028.00</i>
<i>Interest of 10% between 07.06.2021 and 04.08.2021 For further advance of Rs.9,43,000/-</i>	<i>Rs.</i>	<i>14,985.00</i>
<i>Interest of 3% between 04.08.2021 and 29.06.2024 For total advance of Rs.34,43,000/-</i>	<i>Rs.</i>	<i>2,99,965.00</i>
<i>As per decree, interest of 7% between 04.08.2021 and 29.06.2024 for total advance of Rs.34,43,000/-</i>	<i>Rs.</i>	<i>6,99,919.00</i>
<i>Cost amount as per the decree</i>	<i>Rs.</i>	<i>2,93,786.00</i>
<i>Value of NJS used in Ex.A3 sale deed</i>	<i>Rs.</i>	<i>67,000.00</i>
<i>Total amount payable in AS No. 1265 of 2025</i>	<i>Rs.</i>	<i>49,44,683.00</i>
<i>Amount deposited as per the decree on 29.06.2024</i>	<i>Rs.</i>	<i>45,00,000.00</i>
<i>Balance paid</i>	<i>Rs.</i>	<i>4,44,683.00</i>

(iv) That the respondent has already filed OS No. 61 of 2021 on the file of the Ld. District Munsif cum Judicial Magistrate, Edappadi against the appellants for the relief of permanent injunction restraining the appellants who are the defendants therein from interfering with the peaceful possession and enjoyment. In view of the settlement, the appellants who are the defendants in OS No. 61 of 2021 unconditionally undertake that they will not disturb or interfere with this respondent's possession and enjoyment of the suit property henceforth.



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(v) That the respondent, who is the plaintiff in OS No. 61 of 2021 on the file of the Ld. District Munsif cum Judicial Magistrate, Edappadi undertakes to withdraw the suit in view of the above clause 3(iv) of this Joint Memorandum of Compromise.

(vi) That both the parties or their representatives in interest hereafter shall not litigate against each others in respect of the subject matter in issue in the above AS No. 1265 of 2025 as well as the suit in OS No. 61 of 2021 mentioned above.

(vii) That both the parties have fully understood the terms of this Joint Memorandum of Compromise.”

3.The said joint memo of compromise is taken on record. According to the terms, the respondent has handed over two Demand Drafts bearing Nos.353459 and 353460, dated 09.02.2026, each for a sum of Rs.2,22,342/- drawn on State Bank of India, GH Road, Erode Branch, to the appellants, towards the balance amount of Rs.4,44,683/-.

4.In view of the above, since the matter is settled out of Court, this Appeal stands dismissed as settled out of Court. The joint memo of compromise dated 11.02.2026, shall form part and parcel of the decree.

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Registry is directed to refund the Court fee as per Rules. No costs.

Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (R.S.V., J.)
11.02.2026

mkn

Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes

To

1.The II Additional District Judge,
Salem.

2.The Section Officer,
VR Section,
High Court, Madras.



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and
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