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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

AS No. 678 of 2018
CNR: {HCMA013612952018}
and
CMP.Nos.18768 of 2018 & 9698, 9701& 9703 of 2023

1. Saradha (Died)
   W/o. Narasimman,
   No.1/25, Chinthamaniyur,
   Olaipatty Village and Post,
   Mettur Taluk, Salem District.

2. Narasimman
   S/o. Obulu Chetti,
   No 1/25, Chinthamaniyar,
   Olaipatty Village and Post,
   Mettur Taluk, Salem District.

3. Menaka
   W/o. Kandhavel,
   No. 80/1, Bharathi Veethi,
   Thavuttupalayam,
   Anthiyur Taluk, Erode - 638 501.
   (Sole appellant died (Saradha) A2,A3 brought into record as L.Rs of the deceased sole appellant *vide* Court order dated 26.10.2021 made in CMP.No 12967 of 2021 in AS.No.678 of 2018 (PTAJ))

..Appellants

Vs

Krishnammal
D/o. Late. Marimuthu,
Ponnammal Colony,
Burn And Co Post,
Jagir Kamanaickenpatty,
Salem Taluk, Salem District.

..Respondent

Prayer: Appeal Suit filed under Section 96 of the Civil Procedure Code, praying to set aside the judgement and decree of the learned III Additional District Judge of Salem, in O.S.No.323 of 2016 dated 22.06.2018.

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For Appellants: Mr.K.Ramanraj

For Respondent: Mr.G.Munuraj

JUDGMENT

Heard the learned counsel for the appellants and the learned counsel for the respondent.

2. The third appellant, Menaka and Dhanapal S/o. first defendant Krishnammal are present.

3. The learned counsel for the appellants submits that the matter has been settled out of Court and seeks permission of this Court to withdraw this appeal and also made an endorsement to that effect.

4. In view of the endorsement made by the learned counsel for the appellants, this Appeal Suit stands dismissed as settled out of Court.

5. The learned counsel for the appellants has no objection to return of Ex.A-1, registered sale agreement, dated 19.12.2011 (Ex.A-1), which is entered between the plaintiff Saradha and defendant Krishnammal to the respondent.

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6. As per the judgment of the Hon'ble Apex Court reported in ***(2021) 3 SCC 560 (High Court of Judicature at Madras, represented by its Registrar General Vs. M.C.Subramaniam and others),*** the appellants are entitled for refund of Court fee paid by them on Memorandum of Grounds of the Appeal. Registry is directed to refund the Court fee paid in the Memorandum of Grounds of Appeal to the appellants. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

7. The sole respondent may file an application before the trial Court for return of Ex.A-1 registered sale agreement, for which there is no objection by the learned counsel for the appellants.

30-10-2026

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

dh

To
The III Additional District Court,
Salem.

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R.KALAIMATHI, J.

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