

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**A.S.No.53 of 2026
&CMP.No.1614 of 2026**

1.G.Jaisankar
2.Rekha

Appellant(s)

Vs

G.Sivakumar

Respondent(s)

Prayer: Appeal Suit filed under Section 96 of CPC, to set aside the order and decretal order passed in I.A.No.1 of 2022 in O.S.No.218 of 2018 on the file of the Additional District Judge II, Poonamallee dated 08.02.2023.

For Appellant(s): Mr.Adinarayana Rao

For Respondent(s): Mr.S.Swaminathan

JUDGMENT

This appeal suit has been preferred to set aside the order passed in I.A.No.1 of 2022 in O.S.No.218 of 2018 on the file of the Additional District Judge II, Poonamallee dated 08.02.2023.



2.I have heard Mr.Adinarayana Rao, learned counsel for the appellants and

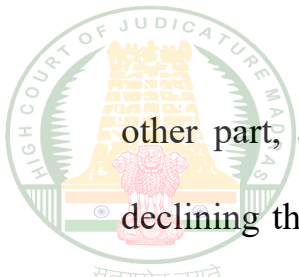
Mr.G.Sivakumar, learned counsel for the respondent.

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3.Pending the first appeal, the parties have amicably settled the disputes and have reduced the terms of compromise by way of a Joint Memorandum of Compromise dated 26.02.2026, along with the sketch, which shall form part and parcel of the decree passed in the appeal. The parties request the appeal suit to be disposed of, in terms of the said joint compromise memo.

4.At this juncture, the learned counsel on either side, on instructions from their respective clients, requested for an additional clause to be mentioned in the decree, though the parties have not incorporated the same in the terms of the joint compromise memo. The parties are agreeable that the first offer to purchase their respective share would be given to the other party, in the event of either of the parties proposing or intending to sell their respective portions, at the then prevailing market value.

5.In the light of the above, the Appeal Suit is decreed. A final decree is passed, in terms of the joint compromise memo dated 26.02.2026. Apart from the terms of the joint compromise memo, the decree shall contain an additional clause to the following effect “in the event of either of the parties desirous of disposing of their respective portions, then the first offer to purchase shall be given to the party of the



other part, at the then prevailing market value”. Only in the event of the other part declining the offer or express inability to purchase the portion at the prevailing market value, within a period of six months, it shall be open to the party intending to offer the property to other part in the open market.

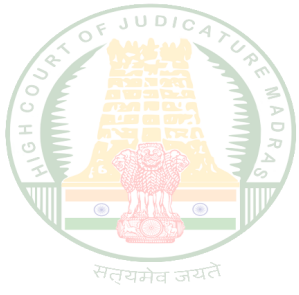
6.The said joint memorandum of compromise dated 26.02.2026 is recorded, with the above terms and the same shall form part and parcel of the decree. The Appeal Suit is disposed of. The Registry shall draft the final decree and the same shall be issued on or before 23.03.2026. The parties shall bear respective costs. Connected Civil Miscellaneous Petition is closed.

26.02.2026

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To

The Additional District Judge No.II, Poonamallee.



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P.B. BALAJI.J,
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