

WEB COPY

SA No. 423 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA No. 423 of 2023

and

CMP No. 12871 of 2023

V.Usha

Appellant(s)

Vs

K.Sundarambal

Respondent(s)

PRAYER

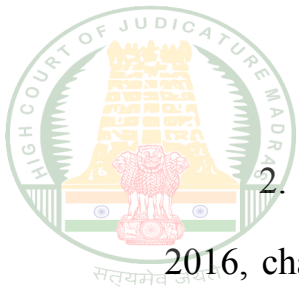
to set aside the judgment and decree made in AS No.2 of 2022 dated 16.03.2023 on the file of the learned Principal District Judge Perambalur reversing the judgment and decree dated 01.04.2022 made in OS No.134 of 2016 on the file of the learned Subordinate Judge, Perambalur

For Appellant(s): Mr. Jeremiah Gregory John

For Respondent(s): Mr. G.Ilamurugu

ORDER

Heard and considered the rival submissions of both learned counsel for
appellant and respondent and perused the records available on record.



2. The appellant, who are the plaintiff filed the suit in O.S.No. 134 of 2016, challenging the reversal findings of the courts below, had preferred this Second Appeal. Accordingly, this Second Appeal is admitted on the following substantial question of law :-

“(1) Whether the lower appellate court is correct in law disregarding Ex.A1 registered agreement of sale only on the basis of oral evidence?”

(2) Whether the lower appellate court is correct in law placing reliance on the oral evidence of PW.1, DW.1 and DW.3 contrary to the mandate of Sec.92 of Indian Evidence Act to reject Ex.A1 registered instrument?

(3) Whether the lower appellate court is correct in law in placing reliance on the judgment in S.A.No. 1258 of 2009 dated 28.09.2021, while arriving at its finding Ex.A1 had been executed as security, when the appellant/plaintiff had discharged her burden of proving the validity and genuineness of Ex.A1 the execution of which had not been denied?

3. On seeing the facts, the suit was filed seeking for the relief of specific performance and so, there is possibility of settlement between the parties. Therefore, this Court is inclined to refer the matter for mediation to Mediation and Conciliation Centre, Perambalur. The Chief Judicial Magistrate, Perambalur is requested to act as a Mediator. The Mediation and Conciliation Centre is directed to issue notice to both the parties and to take up the matter for not less



than three hearings. Both the parties are directed to appear before the Mediation without fail on 17.03.2025. The Registry is directed to send the papers to the Mediation and Conciliation Centre, Perambalur. After Mediation, to report before this Court about the compromise if any on 08.04.2025.

4. Post the matter on 08.04.2025.

03-03-2025

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To

The Chief Judicial Magistrate,
Perambalur.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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