

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2015

CORAM

THE HONOURABLE MR. JUSTICE **G.CHOCKALINGAM**

C.S.No.1600 of 1993

J.Rajendran ..Plaintiff

/vs/

1.V.Chandran(deceased)

2.P.C.Sudarsanam

rep.by next friend

father & natural guardian

V.Chandran

(2nd defendant declared as major as per order dated 10.08.2015 in A.No.5014 of 2015)

3.Mrs.Padmavathy

(3rd defendnat is brought on record as legal heir of the deceased 1st defendant as per the order dated 20.08.2014 in A.No.2939/2013) ..Defendants

PRAYER: This Civil Suit filed under Order IV Rule 1 O.S.Rules read with Order VII Rule 1 of C.P.C. under Order XXIV of O.S. Rules, praying for the judgment and decree:- (i)Preliminary Decree for partition and separate possession of the plaintiff's half share in the plaint schedule mentioned property by metes and bounds; (ii)for permanent injunction restraining the Defendants, their agents, servants, men and everyone claiming under them or acting on their behalf from in any way interfering with the plaintiff's possession of the suit

property without following the due processes of law;and
(iii)directing the defendants to pay costs of the suit to
the plaintiff.

For Plaintiff :Mr.M.Aswin

For defendants :Dr.G.Krishnamoorthy

JUDGMENT

Today a joint memo of compromise dated 08.09.2015 entered between the plaintiff and the defendants is filed before this Court. The same is signed by both the parties as well as their respective counsels. The said compromise memo is recorded. The learned counsels appearing for both the parties seek for passing a judgment and decree in terms of the above said compromise memo.

2. The joint memo of compromise filed by the defendants and the plaintiff reads as follows:

1.It is submitted that the plaintiff and the defendant above named decided to compromise the Civil suit and decided to adopt the commissioner's report dated 14.07.2003.

2.It is submitted that the suit filed by the plaintiff is for partition and now the plaintiff and defendants

willing to part their respective shares as per the report filed by the Commissioner.

3. That they accept the Advocate Commissioner Report dated 14.07.2003.

4. That they both have agreed to partition the said property between themselves as per diagram cited in annexure 'F' attached to the Advocate Commissioner Report dated 14.07.2003.

5. That portion 'A' of the annexure 'F' shall be allotted to the plaintiff and portion 'B' shall be allotted to the defendants.

6. That the original title deeds shall be retained by the defendants and shall be produced as and when demanded by the plaintiff in future.

7. That till date all the taxes have been paid by the defendants and by the plaintiff in part. Henceforth, the same shall be paid by respective parties for their respective shares.

8. Each party bears their respective costs.

It is therefore prayed that this Hon'ble Court may be pleased to record this Joint Compromise Memo in C.S.No.1600 of 1993, and pass a final decree in accordance on the file of this

Hon'ble Court and thus with this compromise memo render justice.

3.Considering the fact that the parties have entered into the compromise, which is reduced into writing by way of joint memo of compromise, dated 08.09.2015, this suit is decreed in terms of the above joint memorandum of compromise. The memorandum of compromise shall form part of the record as well as decree. In view of the above stated facts and circumstances, there will be no order as to costs. Consequently, connected applications are closed.

sd/.G.C.J

08.09.2015

//Certified to be a true copy//

Dated this the day of 2016

R.s/11.03.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.