

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.09.2015

Coram:

The Hon'ble Mrs. Justice PUSHPA SATHYANARAYANA

Second Appeal No.1238 of 2009

Venkatesan

... Appellant/Plaintiff

vs.

1.Ellappan (Deceased)

2.Mani

(Second respondent is recorded as legal representative of the deceased first respondent vide order dated 30.09.2015 made in Memo (USSR 82924) dated 30.09.2015)

... Respondents/LR of Deceased Defendant.

The Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 01.04.2009 passed in A.S.No.21 of 2008 on the file of the Subordinate Judge, Madurantakam, confirming the Judgment and Decree dated 16.08.2007 passed in O.S.No.299 of 2004 on the file of the District Munsif, Madurantakam.

For Appellant : Mr.N.C.Ashok Kumar

For Respondents : Mr.K.Govi Ganesan

JUDGMENT

When the second appeal was taken up for hearing, the learned counsel for the appellant as well as the respondents jointly submitted that both the parties have settled their dispute between them. To that effect, they filed a Memorandum of Compromise, dated 29.09.2015 wherein, it has been stated that both the parties have amicably settled the matter between themselves on the terms and conditions mentioned in the Memorandum of Compromise. The appellant and the first respondent and their respective counsel have signed in the said Memorandum of Compromise.

2. The terms and conditions of the Memorandum of Compromise is extracted hereunder:

"3. The plaintiff shall be entitled to 1.04 acres as declared by the Courts below in survey No.472/2A2, which is delineated and marked in yellow colour in the sketch annexed to this compromise memo.

4. The defendant shall be entitled to 25 cents in survey number 472/2A2, which is delineated and marked in green colour in the sketch annexed to this compromise memo, measuring 83 meters North-South on the Western and Eastern side and 12 meters on the Northern side running East-West and 12.6 meters on the Southern side running East-West.

5. The respondent has no objection for return of the documents filed by the plaintiff at the time of trial to the plaintiff.

6. This compromise settles all the disputes between the parties and each party shall bear their respective costs.

7. The above second appeal may kindly be disposed of in terms of this compromise memo and the parties hereto to pray that this compromise memo shall form part of the decree in the above second appeal."

3. The second appeal is disposed of in terms of Memorandum of Compromise, dated 29.09.2015 and the same is recorded. No costs. Consequently, connected miscellaneous petition is closed. The said Memorandum of Compromise shall form part of the decree.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cla

To
1.The Subordinate Judge,
Madurantakam.

2.The District Munsif,
Madurantakam.

3.The Record Keeper,
V.R. Section,
High Court, Madras.

+1 cc to Mr.C.Jagadish, Advocate, sr.53295

S.A.No.1238 of 2009

kji co
kra 16/11/2015



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