

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

C.S.No.667 of 2015

1.Mrs.C.Pushpalatha
2.C.Balaji
3.C.Rajesh Babu

... Plaintiffs

Vs.

C.Ramesh Babu

... Defendant

Prayer: Civil Suit filed under Order IV Rule 1 of Original Side Rules r/w. Order VII Rule 1 of C.P.C. praying for the following reliefs:

(i) Pass judgment and decree to divide the suit schedule property by metes and bounds into ½ half shares and allot one share to the plaintiffs herein.

(ii) for the cost of the suit.

For Plaintiffs : M/s.S.L.Sudarsanam

For Defendant : Mr.S.Vignesh

J U D G M E N T

Heard the submissions of the learned counsel appearing for the plaintiffs and the learned counsel appearing for the defendant. Both parties, after mutual discussion, had decided to enter into a compromise and accordingly, filed a

compromise memo dated 16.12.2015 in D.No.48188 of 2015 on 18.12.2015. The plaintiffs as well as the defendant had subscribed their signature to the compromise memo and it is also signed by the respective learned counsel appearing for the parties. Both the counsel would pray that the suit may be decreed in terms of the memo of compromise.

2. Both the defendant and plaintiffs are present before this Court today and they are enquired and they would state that they have understood the contents of the compromise memo and on free will and volition, had signed it.

3. It is relevant to extract the terms of the compromise memo dated 16.12.2015 as under:

"1.The property shown in Schedule-A hereunder will be allotted to the Plaintiffs herein absolutely without any restrictions or conditions.

2.The property shown in Schedule-B hereunder will be allotted to the Defendant herein absolutely without any restrictions or conditions.

3.The respective portions hereby demarked in the Plan attached along with this Compromise Memo shall form part of the Decree and the property shown in Schedule-A hereunder which is allotted to the Plaintiffs is marked in Yellow Colour. The property allotted to the Defendant morefully described in Schedule-B hereunder is marked in Blue Colour.

4.The Plaintiffs and Defendant hereby agree that on their respective portions allotted and marked as Schedule-A and Schedule-B shall be compounded separately at their respective costs and by metes and bounds it is separated as shown in the Plan hereto.

5.The passage running South to North having a width of 11 feet 9 inches and length of 72 feet 7 inches shall remain Common Passage to both the Plaintiffs and the Defendant and also to their respective assignees or all persons claiming under them. The said passage shall be used by both the Parties for their ingress and egress and for other purposes such as laying of Pipes, Cables, Drains and other underground requirements if any. The said Passage shall remain open to Sky always without any constructions or obstructions by either parties.

6.There is no consideration or payment involved in this Compromise.

7.The Plaintiffs and the Defendant are entitled to Register this Compromise Decree before the concern Sub Registrar Office and the Plaintiffs and Defendant shall bear their registration expenses if any proportionately.

8.There is no claim in whatsoever manner against each party concerning the Compromise. Further there is no compulsion or force by either party for arriving and recording this Compromise.

9.The Plaintiffs and the Defendant are entitled to have mutation of records in respect of Schedule-A and Schedule-B allotted respectively after this Compromise recorded.

10.The Plaintiffs and Defendant shall bear their respective costs.

11.This compromise memo shall form part and parcel of the Decree in the above C.S along with Plan hereto."

4. Accordingly the Suit is decreed in terms of the compromise memo dated 16.12.2015 and it shall form part of the decree. No costs. Refund of Court Fee, if any, as per entitlement.

sd/.M.S.N.J

22.12.2015

//Certified to be a true copy//

Dated this the day of 2016

s.s/16.03.2016

COURT OFFICER

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

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