

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

Coram:

The Hon'ble Mrs. Justice PUSHPA SATHYANARAYANA

Second Appeal No.783 of 2009

and

M.P.No.1 of 2009

1.Kesavan

2.Chakkaravarthi

...Appellants/Defendants

vs.

1.Lalitha Ammal

2.Ranjith

3.Lakshmi

... Respondents/Plaintiffs

Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 31.03.2009 passed in A.S.No.1 of 2007 on the file of the Principal Subordinate Judge, Villupuram, confirming the Judgment and Decree dated 27.04.2005 passed in O.S.No.122 of 2003 on the file of the Second Additional District Munsif, Ulundurpet.

For Appellants : Mr.T.Gandhi

For Respondents : Mr.V.Raghavachari

JUDGMENT

When the second appeal was taken up for hearing, the learned counsel for the appellants as well as the respondents jointly submitted that both the parties have settled their dispute between them. To that effect, they have filed a Joint Memo of Compromise, dated 16.9.2015 wherein, it has been stated that the appellants and the respondents amicably settled the matter amongst themselves on the terms and conditions of the Memo of Compromise. The appellants and the respondents and their respective counsel have signed in the said Memo of Compromise and they agreed to abide by the terms of Memo of Compromise.

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

"(1)That the parties agree that the decree and judgment dated 31.03.2009 passed in A.S.No.1 of 2007 on the file of the Principal Subordinate Judge, Villupuram and the decree and judgment dated 27.04.2005 passed in O.S.No.122 of 2003 on the file of the II Additional District Munsif, Ulundurpet may be set aside and modified as set out in para 2 to 7 of this compromise.

(2)The parties agree that there may be a decree for declaration in favour of the respondents/plaintiffs in respect of Eastern side vacant portion of suit 'A' schedule property as per the details given in the Advocate-Commissioner's sketch attached herewith measuring 2.6 meters East to West on the Northern side and North to South 5.2 meters on the Eastern side and 5.4 meters on the Western side.

(3)The parties agree that the suit may be dismissed in respect of the Western side constructed portion of suit 'A' schedule property which was occupied and put up a house by appellants/defendants as per the details given in the Advocate-Commissioner sketch, namely 'B' schedule property attached herewith.

(4)The parties agree that the appellants/defendants are the absolute owners of the above Western side constructed portion of suit 'A' schedule property and the respondents/plaintiffs mutually hereby agree for change of patta in the name of appellants/defendants for the Western side constructed portion alone by subdividing the suit 'A' schedule property in survey No.276/3 measuring 4 meters East to West on the Northern side and 5.4 meters North to South on the Eastern side.

(5)The respondents/plaintiffs agree that the suit may be dismissed in respect of the second prayer in the suit which is for mandatory injunction to remove the encroachments of the suit 'B' schedule property.

(6)The appellants/defendants agree that the respondents/plaintiffs as owners of the 'C' schedule can continue to enjoy and further mutually agree for change of patta in the name of the respondents/plaintiffs for entire area of suit 'C' schedule property in Survey No.276/8.

(7)The passage morefully situated on the Northern side of 'A' and 'B' schedule property as shown in the plan annexed herewith shall be used as a common passage by both plaintiff and defendant without any further hindrance.

(8)And that the appeal may be partly allowed by modifying the decree and judgment dated 27.4.2015 passed in O.S.No.122 of 2003 on the file of II Additional District Munsif, Ulundurpet in terms of the above Compromise without cost and the plan annexed herewith shall form part and parcel of this decree."

3.The second appeal is disposed of in terms of Joint Memo of Compromise, dated 16.9.2015 and the same is recorded. No costs. Consequently, connected miscellaneous petition is closed. The said Joint Memo of Compromise shall form part of the decree.

sd/-

ASSISTANT REGISTRAR (CS-IV)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

cla

To

1.The Principal Subordinate Judge,
Villupuram.

2.The Second Additional District Munsif,
Ulundurpet.

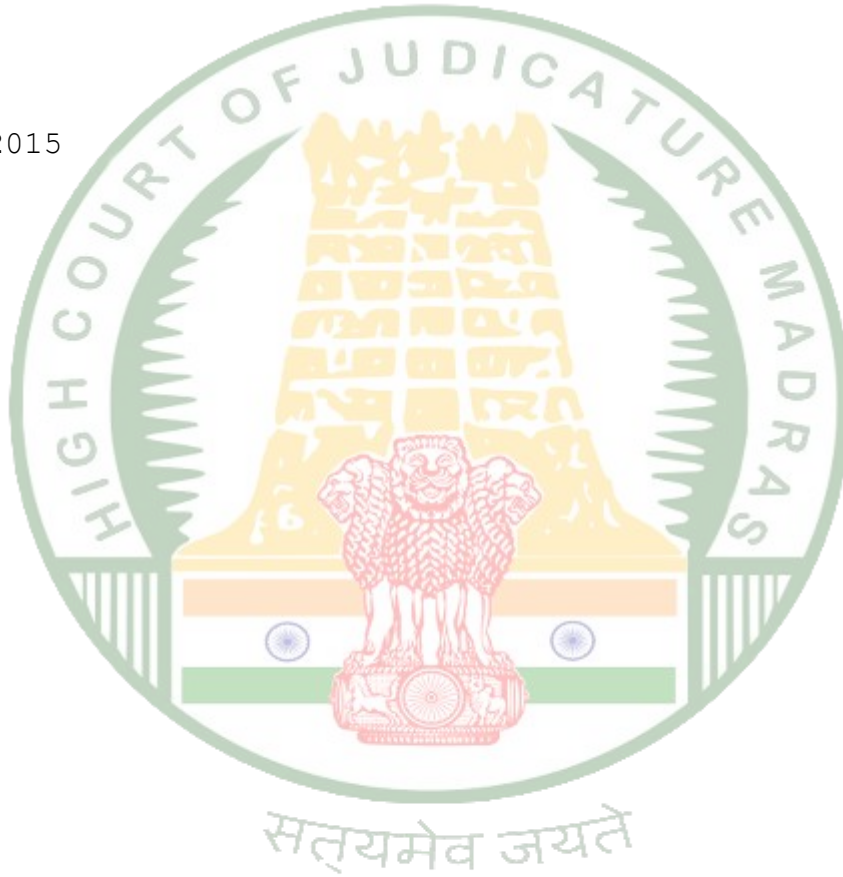
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3.The Record Keeper,
V.R. Section,
High Court, Madras.

+1 CC to Mr.T.Gandhi Advocate. SR.NO. 50638
+1 CC to Mr.V.Raghavachari Advocate. SR.NO. 51004

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CO-MSM
JD 19/10/2015



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