

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.No.456 of 2015
and M.P.No.1 of 2015

N.Subramanian ... Appellant/Appellant/3rd Defendant

Vs.

1. S.Rathinam

2. Nirmala

...Respondents/Respondents/Plaintiffs

1 & 2

1 & 2

3. V.Doss

...3rd Respondent/3rd Respondent/
2nd Defendant

Prayer:- This Second Appeal has been filed under Section 100 of Civil Procedure Code against the judgment and decree dated 18.03.2015 made in A.S.No.67 of 2014 on the file of the Subordinate Judge, Poonamallee, confirming the judgment and decree dated 31.01.2014 made in O.S.No.166 of 2005 on the file of the Additional District Munsif, at Poonamallee.

For Appellant : Mr.M.L.Ramesh

For Respondents R1 and R2: Mr.M.V.Muralidharan

For Respondent 3 : Ms.N.B.Surekha

J U D G M E N T

When the second appeal came up for hearing, it was represented by the parties that a settlement has been arrived at between the parties. Accordingly, a memorandum of compromise dated 24.06.2015 has been filed. It is useful here to extract the memorandum of compromise which reads as follows:-

MEMORANDUM OF COMPROMISE

The above named appellant and respondents humbly submits as follows:-

1. The Appellant had filed this Second appeal challenging the judgment and decree passed in

A.S.No.67 of 2014, dated 18.03.2015, on the file of the Subordinate Judge, Poonamallee confirming the judgment and decree passed in O.S.No.166 of 2005, dated 31.01.2014 on the file of the Additional District Munsif Court, Poonamallee.

2. The suit by the first and second respondents herein, who are the plaintiff's in the suit, had challenged the sale deed dated 16.06.2004 as registered in Document No.4764 on the file of the Sub-Registrar, Kunrathur, executed by the deceased R.Vedachala Naicker and the 3rd respondent Mr.V.Doss. The suit came to be decreed and confirmed in appeal.
3. The 1st and 2nd respondents had agreed to ratify the sale made by their father and brother, the 3rd respondent herein dated as registered in Document No.4764 dated 16.06.2004 on the file of the Sub-Registrar, Kunrathur. The 1st respondent had this day received a sum of Rs.8,00,000/- and the 2nd respondent had received a sum of Rs.13,00,000/- for ratifying the sale deed. It is hereby agreed by the 1st and 2nd respondents that they will not have any claim, right, title over the Schedule mentioned in the Memorandum of Compromise.
4. It is agreed between the parties that this Memorandum of Compromise may be recorded made as part of the decree being passed in this Second Appeal. In terms of this Memorandum of Compromise, this Second Appeal may be decreed in favour of the Appellant.

SCHEDULE OF PROPERTY

All that piece and parcel of the land and building situated in Survey No.22/1 in Puthapedu Village, Ganapathy Street, Porur, Ambattur Taluk, Thiruvallur District measuring an extent of 1200 sq.ft. out of 2196 Sq.ft. bounded on

North by Vendors remaining land,
South by Ganapathy Naicker Street,
East by Vendor remaining land and
West by Arumuga Naicker's House and Flat
Measuring on the

North to South on the Eastern Side - 37 Feet 6 Inches

North to South on the Western Side - 37 Feet 6 Inches

East to West on the Northern Side - 32 Feet

East to West on the Southern Side - 32 Feet

Totally measuring 1200 sq.ft. within the registration district of South Chennai and Sub-Registration District of South Chennai.

Dated at Chennai on this, the 24th day of June 2015.

sd/-

Counsel for Appellant

sd/-

Appellant

sd/-

Counsel for 1st and 2nd respondent

sd/-

1st and 2nd respondent

sd/-

Counsel for 3rd respondent

sd/-

3rd respondent

2. As per the memorandum of compromise, the relief sought for by the appellant is settled. The memorandum of compromise is recorded and there will be a decree in terms of the memorandum of compromise and the said memo of compromise would form part and parcel of the decree. Accordingly the second appeal is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

srn

To

1.The Subordinate Judge, Poonamallee

2.The Additional District Munsif, at Poonamallee

copy to

The Section Officer

VR Section,

High Court, Madras

1 cc to Mr.M.L.Ramesh, Advocate, Sr. 30897

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SAI (CO)

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