

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.KALAIYARASAN

S.A.No.1228 of 1999

and C.M.P.No.12564 of 1999

1.Chinnamma
2.Perumalappa [deceased]
3.Srinivasan
4.Maran
5.Sivaraman
6.Rajamma
7.Kuppamma
8.Laxmiamma
9.Venkatalakshmi @ Laxmi
10.Anjamma ... Appellants/Plaintiffs
[Appellants 3 to 10 brought on record as
L.R.s of the deceased 2nd appellant vide order
of the Court dt.29.4.16 in CMP.7760/16]

1.Keerappa
2.Narayanan
3.Thimmarayan
4.Chengaiyan
5.Bairavi .. Respondents/Defendants

Second Appeal filed under section 100 of C.P.C against the decree and judgment of the Court of the Subordinate Judge, Hosur, made in A.S.No.3 of 1997 dated 29.08.1997, confirming the decree and judgment of the Court of the District Munsif, Hosur, made in O.S.No.320 of 1992 dated 30.09.1986.

For Appellants : Mr.M.V.Krishnan
For R1 to R3 & R5 : Mr.V.Nicholas

J U D G M E N T

Learned counsel for the appellants represents that the matter has been amicably settled between the parties based on a compromise memo. The Memo of Compromise is recorded, which reads as follows:

"As the parties herein desire to live and in peace and harmony, they have settled the dispute between them amicably according to the following terms of compromise.

The parties have decided that on the plaintiffs - the legal heirs of late Perumalappa, the 2nd appellant in the above Second Appeal, shall pay Keerappa, Son of Kuntappa and his family Rs.2,00,000/- [Rupees two lakhs only] relinquishing their right, title and interest in S.No.170/6 and 170/8 in Marundapally Village, Hosur Taluk and Krishnagiri District. The Party of the Second Part on receipt of the sum of Rs.2,00,000/-[Rupees two lakhs only] shall hand over possession of the lands in S.No.170/6 and 170/8 to the party of the first part.

The party of the respondents/defendants hereby acknowledge and admit that S.No.170/4 in Marundapally Village, Hosur Taluk and Krishnagiri District [not a suit property] absolutely belongs to Perumalappa's family under the registered sale deed, dated 12.06.1975 for the purchase of the 3 pieces of lands - the subject matter of this compromise and they shall enjoy the lands absolutely, and their possession will not be disturbed.

As per the terms of the compromise the plaintiff's suit for declaration of title and permanent injunction shall stand allowed.

Each party shall bear their cost."

2. In view of the memo filed, the second appeal is disposed of in terms of the Memo of Compromise. The Memo of Compromise shall form part of the decree. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gya

To
1.The Subordinate Judge,
Hosur.

2.The District Munsif,
Hosur

copy to

The Section Officer
VR Section High Court Madras

+2 cc to Mr.M.V.Krishnan Advocate sr.27307/16

+1 cc to Mr.V.Nicholas Advocate sr.27675/16

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