

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

A.S.No.851 of 2014

Vaithinatha Sivacharyar

... Appellant/Defendant

Vs

1.Gnanasoundary @ Gnanasoundaram (Deceased)

W/o.Balasubramania Kurukkal @ Pattu Kurukkal

2.Sarveswaran,

S/o.Balasubramania Kurukkal @ Pattu Kurukkal

Kuppusamy (died)

rep. by his L.Rs Respondents 4 to 6

3.Sundaramurthy,

S/o.Late Kuppusamy

4.Thilagavathy

D/o.Late Kuppusamy

5.Chandrasekaran

S/o.Late Kuppusamy

... Respondents/Plaintiff

Respondents 2 to 5 are recorded as LRs

of the deceased first respondent vide

Order of Court dated 07.10.2016 made

in MP.No.2 of 2014 in A.S.No.851 of 2014.

RR4 & R5 declared as Major and

r3 discharged from guardianship vide order

dated 26/09/2016 made in MP.Nos.1 & 2/2015

in AS.No.851/2014

Prayer: This appeal is filed to set aside the Order and Final Decree dated 05.11.2013 made in I.A.No.169/2009 in O.S.No.48/1997 on the file of the Court of the District Judge at Karaikal.

For Appellant

: Mr.T.M.Naveen

for Mr.T.P.Manoharan

For Respondents

: Mr.A.Muthukumar

J U D G M E N T

The above appeal is filed against the Final Decree dated 05.11.2013 made in I.A.No.169/2009 in O.S.No.48/1997 on the file of the Court of the District Judge at Karaikal.

2. Learned counsel on either side submitted that the parties have settled disputes amongst themselves and the terms of the settlement have been incorporated in the memo of compromise in which all the parties have signed. The memo of compromise is recorded. The final decree passed by the Trial Court dated 05.11.2013 in O.S.No.48 of 1997 will stand modified as per memo of compromise. The memo of compromise will form part of a decree.

3. The appellant is required to file an affidavit undertaking to vacate the excess portion in his possession within a period of three months from today as per Clause-15 of the memo of compromise within a period of two weeks from today failing which, the time granted under Clause 15 of the Compromise will be of no avail and the respondents would be entitled to execute the decree and take possession.

4. With the above direction, this appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rm

To

1.The District Judge,  
Karaikal.

2.The Section Officer  
VR Record High Court Madras

+1 cc to Mr.A.Muthukumar Advocate sr 67988

+1 cc to Mr.K.P.Jotheeswaran Advocate sr 68011

A.S.No.851 of 2014

aa24/01/2017