

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM :

THE HONOURABLE Dr. JUSTICE G. JAYACHANDRAN

SA.No.1155 of 2008
and CMP.No.14497 of 2016

- 1.Chitra
- 2.Balaji
- 3.Karthi

(The appellants 2 and 3 are declared as major and to cancel the first appellant from guardianship is ordered in CMP.No.5746 of 2016, dated 28.06.2016)

.. Appellants/Plaintiffs

Vs.

- 1.Santha
- 2.Unnamalai

3.The Deputy Inspector of Labour
Lakshmipuram
Tiruvannamalai Town and District.

4.The Superintendent of Post Office,
Anna Salai,
Tiruvannamalai Town and District.

5.The Secretary
Town Cooperative Urban Bank Ltd.,
Sannadhi Street,
Tiruvannamalai Town and District.

... Respondents/Defendants

Second Appeal is filed under Section 100 of C.P.C. against the judgment and decree dated 16.12.2006 made in AS.No.17 of 2005 on the file of the District Court, Tiruvannamalai modifying the judgment and decree dated 29.04.2005 made in OS.No.357 of 1999 on the file of the Additional Subordinate Court, Tiruvannamalai.

For Appellants : Mr.R.Karthikeyan

For respondents: M/s.N.kannaki for R1

Mr.T. Jayaramaraj, GA(CS) for R3.

No appearance for R4 and R5

JUDGMENT

Today, the contesting appellants and the first respondent appeared before this Court and reported that compromise has been arrived at between the parties on 17.07.2016 and a joint memo of compromise has been reduced into writing on the same day. The joint compromise memo along with the petition to record the same are recorded accordingly.

2. The learned Government Advocate (CS) appearing for the third respondent submits that the dispute involved is between the family members of late Kasi, who was the former employee under the third respondent and prays to record the same and pass appropriate order as deem fit and proper.

3. The Second Appeal is disposed of, as per the following terms of the compromise memo :-

1. That the suit "A" Schedule of property be allotted to the first Defendant/1st respondent herein namely Santha, but she had only life interest in the "A" Schedule of property i.e, she had no power to alienate or encumbrance the property during her life time. And after her death the same shall be devolve upon the 2nd and 3rd appellants namely Balaji and Karthi both being sons of Kasi.
2. That the suit "B" Schedule 1st item being the amount (whatever sum of money be now available in the bank deposit) deposited in the 5th respondent/Urban Bank, Tiruvannamalai be divided into two equal half and one half be allotted to the appellants herein and the other amount be allotted to the 1st respondent/Santha. The amount given to Santha be deposited in the bank as fixed deposit and the said Santha is eligible only to get the interest for the amount and on her death the amount be devolve upon the 2nd and 3rd appellants namely Balaji and Karthi both being sons of Kasi.
3. That the "B" Schedule 2nd item of property i.e, the amount deposited in the 4th respondent/Post Office, Tiruvannamalai be given to the 1st respondent/Santha in full. The appellants had no share in this amount. The amount given to Santha be deposited in the bank as fixed deposit and the said Santha is eligible only to get the interest for the amount and on her death the amount be devolve upon the 2nd and 3rd appellants namely Balaji and Karthi sons of Kasi.

4. That the "B" Schedule 3rd item being the amount due (all monetary terminal benefits including pension already lying with them) to the deceased Kasi from the 3rd respondent office be divided into two equal shares and one such share be given to the 1st respondent/Santha. The amount so given to Santha be deposited in the bank as fixed deposit and the said Santha is eligible only to get the interest for the amount and on her death the amount be devolve upon the 2nd and 3rd appellants namely Balaji and Karthi both being sons of Kasi.

5. That the monthly family pension herein after be given to the first respondent Santha in full. The appellants had no share in this family pension. The arrears if any be divided into two equal shares and one half be given to appellants and other half be given to the 1st respondent/Santha.

The joint compromise memo filed alongwith CMP.No.14497 of 2016, shall form part of the decree. Consequent to the petition in CMP.No.14497 of 2016, to record the joint compromise between the parties is allowed, second appeal is disposed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Judge, Tiruvannamalai.
2. The Additional Subordinate Judge, Tiruvannamalai.

+ 1 cc to the Special Government pleader (CS) SR.62205
+ 1 cc to Mr.R. Karthikeyan, Advocate SR.61991

SA.No.1155 of 2008

VD(CO)
EU 12.1.17