

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM :

THE HON'BLE MR. JUSTICE P.KALAIYARASAN

S.A.Nos.1124 and 1125 of 2006

Soori Konar

..... Appellant in both the
second appeals/ Plaintiff in
O.S.No.500/96 & Defendants in
O.S.530/96

vs.

1. Papayee
2. Manoharan
3. Rajendran
4. Illaiyarasan
5. Umarani

..... Respondents in both the
second appeals/ LRS of
deceased Defendant in
O.S.No.500/96 and Plaintiffs
in O.S.No.530/96

Prayer in S.A.No.1124 of 2006 : Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree, dated 31.07.2006 made in A.S.No.241 of 1997 on the file of the Sub-Judge, Namakkal, reversing the Judgment and Decree, dated 28.10.1997 made in O.S.No.530 of 1996 on the file of the Principal District Munsif, Namakkal.

Prayer in S.A.No.1125 of 2006 : Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree, dated 31.07.2006 made in A.S.No.240 of 1997 on the file of the Sub-Judge, Namakkal, reversing the Judgment and Decree, dated 28.10.1997 made in O.S.No.500 of 1996 on the file of the Principal District Munsif, Namakkal.

For appellant : Mr.S.Balasubramanian

For respondents: Mr.P.Mathivanan

J U D G M E N T

Heard both the learned counsel appearing for the appellant as well as the respondents.

2. Learned counsel for the appellant as well as the respondents represented that the matter has been settled between the parties and filed a memo of compromise, signed by both the parties and their respective counsel. The memo of compromise is recorded which reads as follows :

"The appellant and the respondents have come to an understanding with respect to the suit

properties. The parties agree that the appellant shall be entitled to the suit property situated in Survey No.41/7 to an extent of 0.16.0 Hectares of dry land in Pachudayampatti village, Periyapallamparai Mitta, Senthamangalam Taluk, Namakkal District and all the respondents jointly are entitled to dry lands to an extent of 0.16.0 Hectares in S.No.41/4, Pachudayampatti village, Periyapallamparai Mitta, Senthamangalam Taluk, Namakkal District.

Further, the parties agrees that the well situated in Survey No.41/15 in 0.02.0 hectares in Pachudayampatti village, Periyapallamparai Mitta, Senthamangalam Taluk, Namakkal District shall be common to both the parties."

3. In view of the same, S.A.No.1125 of 2006 is disposed of, in terms of the memo of compromise, so far as the subject matter of the suit and the parties are concerned. The memo of compromise shall form part of the decree. The Registry is directed to include the schedule of properties in the decree.

In view of the compromise arrived at between the parties, S.A.No.1124 of 2006 stands dismissed as not pressed. There shall be no order as to costs in both the appeals.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

tsvn

To

1. The Sub Judge
Namakkal.

2. The Principal District Munsif
Namakkal.

+ 1 CC TO Mr.S.Balasubramanian, advocate SR NO 26994[28/6/16]

Copy to
The Section Officer
VR Section,
High Court, Madras

S.A.Nos.1124 and
1125 of 2006

PA (CO)

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