

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) Nos.2996 of 2013 & 3553 of 2015

&

M.P.No.1 of 2013 and M.P.No.1 of 2015

C.R.P (PD) No.2996 of 2013

K.Subramani

... Petitioner

vs.

1.A.S.Kandhasamy

2.S.Mohan

3.S.Elumalai

4.S.Venkatesan

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree dated 07.01.2013 made in C.M.A.No.1 of 2011 on the file of Sub-Court, Tiruvallur confirming the Fair and Decreetal Order dated 29.04.2011 made in I.A.No.157 of 2011 in O.S.No.36 of 2011 on the file of the District Munsif Court, Tiruvallur.

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.V.Chokalingam

C.R.P (PD) No.3553 of 2015

1.Smt.Sakkubai

2.S.Mohan

3.S.Easwari

4.S.Elumalai

5.A.S.Kandhasamy

6.S.Venkatesan

... Petitioners

vs.

K.Subramani

...Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in order passed in I.A.No.950 of 2011 in O.S.No.213 of 2011 dated 07.03.2015 on the file of the District Munsif Court, Thiruvallur.

For Petitioners : Mr.Ramanarayanan
for M/s.Sampathkumar Asso.

For Respondent : Mr.M.S.Subramanian

ORDER

In a suit filed by the petitioner in C.R.P.No.2996 of 2013, namely O.S.No.213 of 2011 for declaration and injunction in respect of a lesser extent, Sakkubai, Mohan, Easwari, Elumalai, Kandhasamy and Venkatesan figured as defendants. They filed an application in I.A.No.950 of 2011 under Order VII Rule 11 CPC for the rejection of the plaint. The same was dismissed by the trial Judge, namely the learned District Munsif, Tiruvallur by order dated 07.03.2015. As against the said order, the defendants have brought forth C.R.P.No.3553 of 2015.

2. Similarly, Mohan, Elumalai, Kandhasamy and Venkatesan filed another suit against Subramani in O.S.No.36 of 2011 for a permanent injunction in respect of a larger extent, which includes the property which is the subject matter in O.S.No.231 of 2011. In the said suit O.S.No.36 of 2011, the plaintiffs therein filed an application I.A.No.157 of 2011 for an

interim injunction pending disposal of the suit. The said application was allowed and the same was unsuccessfully challenged before the Subordinate Court, Tiruvallur and hence, Subramani, the sole defendant therein has come forward with C.R.P.No.2996 of 2013.

3. During the pendency of the Civil Revision Petitions, due to the intervention of well wishers, the parties have chosen to arrive at a settlement, as a result of which, a memorandum of compromise dated 15.04.2016 signed by the parties and their respective counsel has been produced in this Court for being recorded. The parties are also present along with their respective counsel.

4. On being enquired, they confirm that they have entered into the compromise and signed the compromise memo without there being any vitiating factor like fraud, misrepresentation or undue influence. Being convinced of the voluntary nature of the compromise, this Court decides to record the compromise. Accordingly, the compromise memo is recorded.

5. As per the terms of the compromise memo, the respondent in C.R.P.No.3553 of 2015, namely K.Subramani has undertaken to withdraw the suits O.S.No.213 of 2011 and O.S.No.378 of 2005 on the file of District Munsif, Tiruvallur and A.S.No.14 of 2015 on the file of Sub-Court, Tiruvallur. In addition to such undertaking to withdraw his suits and the appeal, Subramani, the petitioner in C.R.P (PD) No.2996 of 2013 has volunteered to withdraw the said Civil Revision Petition and also has undertaken to submit to the decree in the suit filed by the respondents in C.R.P.No.2996 of

2013/plaintiffs in O.S.No.36 of 2011. An endorsement to the said effect has also been made. In view of such endorsement and also in terms of the compromise memo, C.R.P (PD) No.2996 of 2013 is bound to be dismissed.

(i) C.R.P (PD) No.3553 of 2015 is disposed of in terms of the compromise memo. The compromise memo shall be annexed to the order and shall form part of the order. The stay granted in M.P.No.1 of 2015 shall stand vacated.

(ii) C.R.P (PD) No.2996 of 2013 is dismissed as withdrawn.

No costs. Consequently, the connected miscellaneous petitions are closed.

15.04.2016

Index : Yes/No
Internet : Yes/No

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Note: Issue order copy on 20.04.2016

To

The Family Court
Coimbatore

P.R.SHIVAKUMAR, J.

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**C.R.P (PD) Nos.2996 of 2013 & 3553 of 2015 &
M.P.No.1 of 2013 and M.P.No.1 of 2015**

Dated : 15.04.2016