

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.08.2016

Coram:

The Hon'ble Mr.Justice **M.M. SUNDRESH**

C.S.No.818 of 2013

Mrs. Terine Alphonse .. Plaintiff

Vs.

Mr.Ranjan Fernando
@ Ranjan Sartho. ... Defendant

The suit has been filed under Order IV Rule 1 of Original Side Rules of the High Court of Judicature at Madras read with Order VII Rule 1 of Code of Civil Procedure, for a judgment and decree:

(a) Directing partition of the property described in the schedule hereunder by metes and bounds and allot 1/2 share thereon to the plaintiffs in the suit schedule property;

(b) For a sum of Rs.1,00,000/- as the share of mesne profits realized from the suit property against the defendant and for future mesne profits from the date of the suit till the date of delivery of possession of the plaintiff's share; and for costs.

For Plaintiff : Mr.T.S.Baskaran

For Defendant : Mr.C.Umashankar

Judgment

The suit is filed by the plaintiff against the defendant seeking the following reliefs:-

(a) Directing partition of the property described in the schedule hereunder by metes and bounds and allot 1/2 share thereon to the plaintiffs in the suit schedule property;

(b) For a sum of Rs.1,00,000/- as the share of mesne profits realized from the suit property against the defendant and for future mesne profits from the date of the suit till the date of delivery of possession of the plaintiff's share; and for costs.

2. When the matter is taken up for hearing today, a Joint Memorandum of Compromise has been filed by the counsel appearing for both the parties, duly signed by both the parties with acknowledgments. The parties are also present before this Court and affirmed the covenant in the Joint Memorandum of Compromise. A sum of Rs.1,60,00,000/- mentioned hereunder has also been given by the defendant in favour of the plaintiff, before this Court in the presence of the counsel for the respective parties.

3. Accordingly, the following decree is passed by consent:-

(i) The plaintiff hereby receives a sum of

Rs.1,60,00,000/- from the defendant by way of Demand Draft bearing No.008283 drawn on M/s. Axis Bank Limited, Shanti Colony Branch, Chennai - 600 040 dated 27.07.2016 before this Court in the presence of the counsel for the respective parties. Thus, the entire liability of the defendant in respect of the claim over the property is discharged.

(ii) The plaintiff hereby acknowledges the receipt of Rs.1,60,00,000/- (One Crore Sixty Lakhs only) paid by the defendant and also acknowledges the receipt of 10 sovereign of gold jewellery from the defendant towards her share in the suit property which is more fully described in the schedule hereunder.

(iii) The plaintiff hereby declares that she or any of her children will not claim any right, title or interest in the suit property more fully described in the schedule hereunder from this day and further declares that the defendant is the absolute owner of the suit property which is more fully described in the schedule hereunder.

(iv) The plaintiff agrees that she will execute and register all necessary documents in favour of the defendant as and when by the request of the defendant to give quietus to the entire issue.

(v) The plaintiff further assures that no one

claiming on her behalf has got any right, title or interest over the schedule mentioned property in future or at present.

(vi) Parties herein agree for passing a compromise decree in terms of this memorandum of compromise and agree for this joint memorandum to form part and parcel of the decree.

(vii) Parties agree to register / index the compromise decree in the concerned Sub Registrar's Office at their expenses if necessary.

(viii) The parties agree to bear their own costs. The parties have no other claim against each other.

(ix) The memo of compromise dated 10.08.2016, signed by the parties and attested by the respective counsel shall form part of the decree making it clear that the amount mentioned therein has already been paid.

sd/.M.M.S.J

10.08.2016

//Certified to be a true copy//

Dated this the day of 2016.

R.s/08.12.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.