

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

S.A.No.1616 of 1999

1.Rathayal
2.Meenakshi

... Appellants

Vs.

1.Jayanthi
2.Kayalvizhi
3.Illango

... Respondents

Prayer:

Second Appeal filed under Section 100 of C.P.C. against the Judgment and decree of the District Judge, Erode, dated 20.08.1998 made in A.S.No.340 of 1997 confirming the Judgment and Decree of the Principal Subordinate Judge, Erode, dated 21.07.1997 made in O.S.No.258 of 1993.

For Appellants : Mr.K.Kuppuswamy

For Respondents : Mr.R.Babu
for Mr.B.Kumarasamy

J U D G M E N T

1.Mr.K.Kuppuswamy, learned counsel on record is present on behalf of the appellants. Mr.R.Babu, learned counsel on record for the respondents is present. Both the learned counsel would submit that the matter has been settled amicably as between the parties.

2.A memo dated 23.03.2017, to the above effect, has been filed by the learned counsel for the appellant, which reads as follows:

"The Appellants herein submits that the Respondents herein filed the suit for partition and the same has been decreed by the Trial court in O.S.No.258 of 1993 on the file of the Principal Sub Judge, Erode. Against which the Appellants herein filed an Appeal in A.S.No.340 of 1997 on the file of the Principal District judge, Erode and the same has been dismissed by the Lower Appellate court. Against which the Appellants herein filed the above Second Appeal.

The Appellants herein submits that during the pendency of the above Second Appeal all the parties to the suit entered in to a Partition on 24.03.2005 and a Deed of Partition has been registered on 25.03.2005 and registered as Document No.1795 of 2005 on the file of Sub Registrar, Perundurai.

The Appellants in these circumstances prays that this Honourable Court may be pleased to record the above Partition between the parties and dispose of the above Second Appeal as settled and pass such further or other orders as it may deem fit and render justice."

Both the learned counsel make a request that this memo may be made part of the order of disposal of the second appeal, which the Court intends to make.

3. Such a joint request of both the learned counsel is acceded to.

4. The above said memo dated 23.03.2017 filed in Court by the learned counsel for the appellants and counter signed by the learned counsel for the respondents shall form part of the order of disposal of the second appeal.

5. The second appeal stands disposed of as settled out of Court amicably between parties. The memo dated 23.03.2017 is to be made a part of this order. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The District Judge,
Erode.

2. The Principal Subordinate Judge,
Erode

S.A.No.1616 of 1999

SJ(CO)
RS(12/04/2017)