

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Second Appeal No.736 of 2008
and M.P.No.1 of 2008

1.K.Vasanthi

2.M.Kumaresan

... Appellants

Vs.

1.T.Jayanthi

2.S.Shanthi

3.M.Rajathi

... Respondents

PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree dated 25.02.2008 made in A.S.No.618 of 2006 on the file of the III Additional City Civil Judge, Madras, confirming the judgment and decree dated 05.07.2006 made in O.S.No.1364 of 2004 on the file of the XVI Assistant City Civil Judge, Chennai.

For Appellants : Mr.M.T.Arunan

For Respondents : Mr.V.K.Vijayaragavan

J U D G M E N T

सत्यमेव जयते

When the matter is taken up for hearing today (13.12.2017), both parties have appeared before this Court and affirmed that they have arrived at mutual agreeable settlement and filed the joint memo of compromise, which reads as under:-

1. The 1st appellant shall be entitled to the suit property absolutely provided she prays a sum of Rs.45 lakhs (Rupees Forty five lakhs only) to the respondents (each sister is entitled to Rs.15 lakhs) on or before 15.03.2018 from today (13.12.2017).
2. The respondents shall be made by Bank demand drafts.
3. In case the 1st appellant is unable to pay the amount to her sisters within the above period, the respondents shall pay a sum of Rs.15 lakhs to the 1st appellant and on

receipt of the said amount, the appellants shall hand over possession of the suit property peacefully to them and the respondents can enjoy the suit property with absolute rights.

4. The respondents are entitled to execute this decree if possession is not handed over to them after payment.
5. The compromise memo may be appended to the decree of the Hon'ble High Court.
6. Both parties pray that decree and judgment to the above terms be passed without cost.

2. In terms of the joint memo of compromise, the judgment and decree dated 25.02.2008 made in A.S.No.618 of 2006 passed by the Court below is modified and the final decree is passed, in terms of the joint memo of compromise filed today (13.12.2017).

3. This Court appreciates Mr.M.T.Arunan, learned counsel appearing for the appellants and Mr.V.K.Vijayaragavan, learned counsel appearing for the respondents, for the sincere efforts taken by them in bringing harmony in the family and for giving quietus to the litigation once for all.

4. Accordingly, this Second Appeal is disposed of in terms of the joint memo of compromise. The said joint memo of compromise shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The III Additional Judge, City Civil Court, Chennai.
2. The XVI Assistant Judge, City Civil Court, Chennai.
3. The Record Keeper, VR Section, High court, Madras.

+1cc to Mr.T.Arunan, Advocate SR.No.89127

+2cc to Mr.V.K.Vijayaragavan, Advocate SR.No.8889, 88890

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PPA(CO)
GN(15/12/2017)