

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.No.10 of 2016 and
C.M.P.No.321 of 2016

- 1.S.R.Dilip Kumar
- 2.D.Harikrishnan
- 3.H.Anitha
- 4.H.Arunan
- 5.H.Alli
- 6.H.Ajitha
- 7.Durga Devi
- 8.R.M.Uma Maheswari
- 9.R.M.Latha
- 10.R.M.Sumathi
- 11.R.M.Usha
- 12.R.M.Bhavani
- 13.S.R.Suleka
- 14.S.R.Thirunavukarasu

...Appellants/Respondents/Defendants

..vs..

- R.R.Saratha Bai (dead)
1.R.R.Kasthuri Bai (Deceased)
2.D.Nithyakala
3.Suriyakala
4.E.K.Venkatesh Kumar
5.M.Saravana Kumar
6.P.Perumal
7.P.Ratnakrishnan
8.P.Shanthi
9.P.Koteeswari Varaprasad
10.P.Narayanan

... Respondents/Appellant/Plaintiffs

(R6 to R10 brought on record as Lrs of the
Deceased R2 vide order of this Court
dated 18.02.2017 made in CMP.No.16800
to 16801 of 2017 in S.A.10/2016)

Second Appeal filed under Section 100 C.P.C. against the Judgment and Decree in A.S.No.296 of 2011, on the file of 1st Additional City Civil Court, Madras dated 14.10.2015 in reversing the well considered Judgment and decree in O.S.6318 of 2007, on the file of 8th Assistant City Civil Judge, Madras dated 31.01.2011.

For Appellants : Mr.V.Raghavachari

For Respondents: Mr.S.J.Jagadev
for respondents 2
to 5 & Lrs

R1 : Died

J U D G M E N T

This Second Appeal is filed against the Judgment and Decree in A.S.No.296 of 2011, on the file of I Additional City Civil Court, Chennai dated 14.10.2015, reversing the Judgment and decree, in O.S.6318 of 2007, on the file of VIII Assistant City Civil Judge, Chennai dated 31.01.2011.

2.Today, the learned counsel appearing on either side would submit that the parties have arrived at an amicable settlement. A Memo of compromise dated 09.08.2017 was filed before this Court. Except, the parties viz., H.Anitha and H.Arunan, all the parties appeared before this Court and agreed that the terms of compromise are true, valid and correct. The said Memo of Compromise reads as under:

"1.All the parties have given up their claim in the suit property in favour of Mr.S.R.Dilip Kumar, the first appellant. The Appellants 2 to 14 have already released their right over the suit property under Ex.A2 on 14.05.2007.

2.The respondents 1 to 4 are the legal heirs of Saratha Bai. The respondents 5 to 9 are the legal heirs of Kasthuri Bai. They have relinquished their right if any, over the suit property and the appellants had paid a compensation for their expenses incurred. Each branch has paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only).

3. The respondents have given up their right over the passage to the suit property in favour of S.R.Dilip Kumar and they have agreed to remove all the obstructions i.e. windows, drainage, pipe line and airconditioner box other fittings which are protruding through the suit property on or before 09.08.2017.

4. The respondents have no further claim and they undertake to comply with the aforesaid condition, without compelling the appellant to move any Court of law.

5.Hence, it is therefore prayed that this Court be pleased to dispose of the S.A.No.10 /2016 on terms of the compromise and pass as such other orders and thus render justice."

3. The said Memo is recorded and there will be a decree in terms of Memo of compromise. The Memo of compromise shall form part of this Judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

** Here enter the Compromise Memo dated 09.08.2017.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The I Additional City Civil Court Judge, Chennai.
2. The VIII Assistant City Civil Judge, Chennai.
3. The Record Keeper
VR Section, High Court, Madras.(2 copies)

+1 CC to Mr.V. Raghavachari, Advocate sr 90353.

सत्यमेव जयते

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S.A.No.10 of 2016

EV(CO)
SP(07/02/2018)