

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

SA.No.691/2016

Venkatesan

..Appellant/Plaintiff

Versus

Sabapathi

..Respondent/Defendant

Prayer: Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree made in A.S.No.47 of 2015 dated 16.03.2016 on the file of the Learned Subordinate Judge, Ranipet reversing the judgment and decree made in O.S.No.129 of 2008 dated 06.02.2014 on the file of the Learned District Munsif cum Judicial Magistrate No.1, Walajapet.

For Appellant : Mr.G.Jeremiah

For Respondent : Mr.K.Velu

JUDGMENT

The Second Appeal was listed for admission on 02.01.2017 and at the request made by the learned counsel appearing for parties, this Court has referred the matter to the Tamilnadu Mediation and Conciliation Centre attached to this Court for the purpose of finding out the possibility of amicable settlement.

2 The said Centre, vide its Memo Report dated 14.03.2017, has informed this Court that the parties had arrived at an amicable settlement and filed a Joint Memo of Compromise dated 14.03.2017 signed by both parties as well as the learned Counsel appearing for them. The said Joint Memo of compromise dated 14.03.2017 is taken on file and recorded. It is relevant to extract the same:-

" 1. That the Respondent / Defendant in the above appeal submits to a Decree.

2. That the Appellant / Plaintiffs title in respect of the suit property be declared and a permanent injunction be granted in favour of the Plaintiff /Appellant.

3. That immediately after obtaining the compromise decree in his favour the Plaintiff/Appellant in the above second appeal shall convey by a registered sale deed an extent of 30 X 117 square feet (8 Cents) passage on the eastern side of the Suit Property so as to enable the respondents/ defendant or his nominee to have access to his lands.

4. That the Appellant/ Plaintiff shall execute a registered sale deed in favour of the Respondent/Defendant or his nominee as aforesaid."

3 In the result, the Second Appeal is allowed and the Judgment and decree dated 16.03.2016 made in A.S.No.47 of 2015 on the file of the Subordinate Judge, Ranipet are set aside and the suit in O.S.No.129 of 2008 on the file of the Court of District Munsif-cum-Judicial Magistrate, No.1, Wallajapet, Vellore is decreed in terms of Memo of Compromise. No costs.

Here enter the Memo of Compromise.

Sd/-

Assistant Registrar

//True Copy//

rka

Sub Assistant Registrar

To

1. The Subordinate Judge, Ranipet

2. The District Munsif-cum-Judicial Magistrate, No.1,
Wallajapet, Vellore

Copy to:

The Section Officer
VR Section, High Court,
Madras.

+lcc to Mr.Jeremiah, Advocate, S.R.No.23978

SA.No.691/2016

PA(CO)
RS(17/05/2017)