

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:24.04.2018
CORAM:
THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU

A.S.No.11 of 2017
and
C.M.P.Nos.339, 10447 & 14908 of 2017

E.Nirmala .. Appellant/1st defendant

Versus

1. Gunasundari1st Respondent/Plaintiff
2. The Chief Personnel Officer,
Integral Coach Factory,
Chennai - 600 038.2nd Respondent/2nd defendant

Appeal filed under Section 96 of C.P.C R/w Order 41 Rule 1 C.P.C. against the judgment and decree dated 03.12.2016 passed in O.S.No.31 of 2007 on the file of II Additional Principal Judge, Family Court, Chennai.

For Appellant : Mr.K.Sivasamy

For Respondents : Mr.G.Palani for R1
Mr.M.Vijay Anand for R2

J U D G M E N T

[The Judgment of the Court was delivered by R.Subbiah,J.]

This appeal has been filed as against the judgment and decree dated 03.12.2016 passed in O.S.No.31 of 2007 on the file of II Additional Judge, Family Court, Chennai.

2. The first respondent / plaintiff herein has filed a suit as against the appellant herein / first defendant and the Chief Personnel Officer, Integral Coach Factory, Chennai, the second defendant. The said suit was filed for declaration that the first respondent herein is the legally wedded wife of late S.Enbasagaram @ Enbasekaran and the children viz., E.Jayalakshmi and E.Shridar alias Shridaran were born to late S.Enbasagaram and for consequential direction to the second respondent herein to pay the entire settlement benefits of late S.Enbasagaram to the first respondent herein/plaintiff. The suit was decreed on 03.12.2016 in favour of the first respondent. Aggrieved over the same, the appellant/first defendant has filed the present appeal.

3. Today, when the matter is taken up for consideration, it is reported by the learned counsel appearing on either side that the matter has been settled between the parties. They have also filed a Joint Memo of Compromise. The parties were also present. We also enquired the parties. Both the parties represented that they have settled the dispute among themselves as per the terms of the Joint Memo of Compromise. The Joint Memo of Compromise reads as follows:

"i) The 1st respondent Mr.Gunasundari, is declared as the only legally wedded wife of late S.Enbasagaram and her children viz. E.Jayalakshmi and E.Shridar alias Shridaran were born to late S.Embasagram, as declared by the Hon'ble III Addl.Family Court at Chennai in O.S.No.31 of 2007 dated 03.12.2016.

ii) Appointment on compassionate ground against the death of late S.Enbasagaram, from the 2nd Respondent Employer shall be claimed only by the 1st Respondent/Plaintiff for her son Mr.E.Shridar alias Shridaran.

iii) The 1st Respondent/Plaintiff viz. Mrs.Gunasundari, widow of late S.Enbasagaram, shall claim the Monthly family pension and its arrears till date from the 2nd Respondent herein and the same shall be paid only to the 1st Respondent viz. Mr.Gunasundar.

iv) The appellant viz., Nirmala, shall be paid with Rs.5,00,000/- (Rupees Five Lakhs only) out of the death cum retirement benefit lying in the account of late S.Enbasagaram, by the 2nd Respondent Employer herein and the balance of the death cum retirement benefit shall be paid to the 1st Respondent herein viz. Mrs.Gunasundari, the widow of late S.Enbasagaram, by the 2nd Respondent Employer.

v) Parties herein agree for passing of a decree in terms of this Memorandum of Compromise and agree for this Joint Memorandum to form part and parcel of the Judgment and decree in the above First Appeal.

vi) The Parties agree to bear their own costs."

4. Recording the above Joint Memo of Compromise, the Appeal is disposed of. The Appeal is decreed in terms of the said joint memo of compromise and the said joint memo of compromise shall form part of the decree. No costs. Consequently, connected miscellaneous petitioners are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To
The II Additional Principal Judge,
Family Court, Chennai.

+1cc to Mr.M.Vijay Anand, Advocate Sr.No.30390
+1cc to Mr.G.Palani, Advocate SR.No.30402

Copy to:The Record Keeper
VR Section
High Court, Madras.

+1cc to Mr.K.Sivasamy Advocate Sr.No.5379

VD(CO)
sm:4.6.2018

A.S.No.11 of 2017

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