

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.200 of 2018
and
C.S.No.87 of 2006

D.Geetha

... Appellant in
O.S.A.No.200 of 2018
and Plaintiff in
C.S.No.87 of 2006

Vs

1.G.Abdul Hakim
2.P.S.Panchatcharam
3.Vijaya Sree Panchatcharam

... Respondents in
O.S.A.No.200 of 2018
and Defendants in
C.S.No.87 of 2006

Appeal preferred under Order XXXVI Rule 9 of O.S. Rules r/w
Clause 15 of Letters Patent against the judgment and decree
dated 09.07.2015 passed in A.No.3175 of 2015 in A.(SR)No.17390
of 2015 in C.S.No.87 of 2006.

For Appellant/
Plaintiff

.. Dr.Ravichandran
for Mr.K.J.Nithianandam

For Respondents/
Defendants

.. Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia for R1
Mr.Vineeth Subramani
for R2 & R3

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Original Side Appeal is directed against the order
dated 09.07.2015 passed in A.No.3175 of 2015 and A(SR) No.17390

of 2015 in C.S.No.87 of 2006, whereby the learned single Judge declined to condone the delay in filing the application to restore the suit, which was dismissed for default on 10.02.2014 and dismissed the said application as well as the application filed to restore the suit.

2.Heard the learned counsels appearing for the parties.

3.When the matter is taken up for hearing, learned counsel for both sides would submit that the parties have settled the matter between themselves and a joint memo of compromise has also been filed. Learned counsels would further submit that the suit may be restored and both the appeal as well as the suit may be disposed of in terms of the joint memo of compromise.

4.Considering the submission made by the learned counsels for the parties that the parties have amicably settled the matter, the order of the learned single Judge dated 09.07.2015 stands set aside and the suit is restored to file.

5.Today, a joint memo of compromise dated 10.07.2018 duly signed by the parties and attested by their respective counsel, has been filed. The joint memo of compromise reads as under:

The parties herein through well wishers have negotiated a settlement in respect of original suit in C.S.No.87 of 2006 (O.S.A.No.200 of 2018) and after thorough discussion the appellant herein offered to accept refund of advance amount of Rs.10,00,000/- (Rupees Ten Lakhs only) together with compensation of Rs.42,00,000/- (Rupees Forty Two Lakhs only) in all Rs.52,00,000/- (Rupees Fifty Two Lakhs only) in full and final settlement of all her claim and all her rights under the original suit C.S.No.87 of 2006 (OSA No.200 of 2018).

The appellant has agreed to receive the said total sum of Rs.52,00,000/- (Rupees Fifty Two Lakhs only) in the following manner. 1.A sum of Rs.43,00,000/- (Rupees Forty Three Lakhs only) by Demand Draft No.629075 dated 29.06.2018 drawn on Canara Bank 2.A sum of Rs.9,00,000/- (Rupees Nine Lakhs only) by Cheque No.339602 dated 10.07.2018 drawn on Canara Bank before the Hon'ble Court, while recording this compromise. On receipt of above said sum of Rs.52,00,000/- (Rupees Fifty Two Lakhs only) the appellant undertakes and declares that she will not make any claim against the respondents herein agree that they will not make any claim against the

appellant before any competent Court.

The appellant confirms and declares that sale agreement dated 02.06.2005 and MOU dated 18.12.2005 shall stand cancelled. Appellant further declares that (i)Mr.P.S.Panchatcharam (ii)Mrs.Vijayasree Panchatcharam are joint owners of the property at New No.30, Old No.22, Conron Smith Road, Gopalapuram, Chennai - 600 086 and appellant does not have any right or claim whatsoever pertaining to the above mentioned suit schedule property.

The contents of this Joint Memo of Compromise was read over and explained to the appellant in Tamil and the same is admitted by the appellant and respondents herein to be correct.

The parties herein agree that this Joint Memo of Compromise signed by all parties will be submitted before the Hon'ble Court and further agree to seek for an order in terms of above compromise.

3.The joint memo of compromise dated 10.07.2018 is taken on record. The original side appeal and the civil suit stand disposed of in terms of the joint memo of compromise. The joint memo of compromise dated 10.07.2018 shall form part of the decree. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.K.J.Nithianandam, Advocate Sr.No.45183

+2cc to M/s.Aiyar and Dolia Advocate Sr.No.44811

VD(CO)

sm:21.8.2018

O.S.A.No.200 of 2018
and C.S.No.87 of 2006