

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

S.A.No.610 of 2008

and

MP.No.1 of 2008 and

C.M.P.No.20005 of 2017

Selvaraj

... Appellant/1st Defendant

Vs.

1. Komathi @ Komalavalli

2. Manchu

(R2 declared as major and her mother
Komathi @ Komalavalli discharged from
the guardianship vide order of Court
dated 23.01.2018 made in
CMP.No.20004/17 in SA.610/2008)

3. Selvi

4. Santhi

5. Rajathi

... Respondents/Plaintiffs 1 & 2/
Defendants 2 to 4

Prayer: Second Appeal is filed under Section 100 of C.P.C,
against the Judgment and Decree of District Court, Nagapattinam
dated 21.11.2007 made in A.S.No.4 of 2007 and Cross Appeal
confirming the Judgement and decree of Additional Sub Court,
Mayiladuthurai dated 17.08.2006 made in O.S.No.74 of 2005.

For Appellant : Mr.S.Sounthar
For Respondents : Mr.A.Muthukumar
for R3 to R5
Mr.A.Arunbabu
for R1 & R2

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O R D E R

The matter is taken up for hearing today (12.02.2018), for
final disposal. The respondents 1 and 2 have filed the Joint
Memo of Compromise dated 09.11.2017. As per Joint Memo of
Compromise, the respondents 4 and 5 are not the parties.
However, today both the respondents 4 and 5 are present in the
Court and submitted that they have no objection for disposing
the appeal as having settled between all the parties concerned.
The said Joint Memo of Compromise reads as Under:

(i) It is submitted 3rd respondent Selvi is dead. The appellant entered into compromise outside the court with the respondents 4 and 5 and legal representative of Selvi and consequently the respondents 3 to 5 may be exonerated.

(ii) The 1st respondent Komalavalli received a sum of Rs.14,00,000/- and the 2nd respondent received a sum of Rs.10,00,000/- from the appellant. Further, the respondents 1 and 2 got a RCC building mentioned in the B schedule hereunder from the appellant. The respondents 1 and 2 having received the money mentioned above and a house from the appellant as mentioned in B schedule property have relinquished their right over properties mentioned in A schedule herein in favour of the appellant. Consequentially the appellant has become the absolute owner of the A schedule property by virtue of the compromise from today onwards.

(iii). The respondents 1 and 2 hereby acknowledge and admit appellant's absolute ownership and possession over properties mentioned in A-Schedule hereunder. The appellant and person claiming under him are entitled to enjoy A-Schedule properties as absolute owner.

2. Accordingly, this second appeal is ordered as per terms of the Joint Memo of Compromise. The Joint Memo of Compromise shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

To

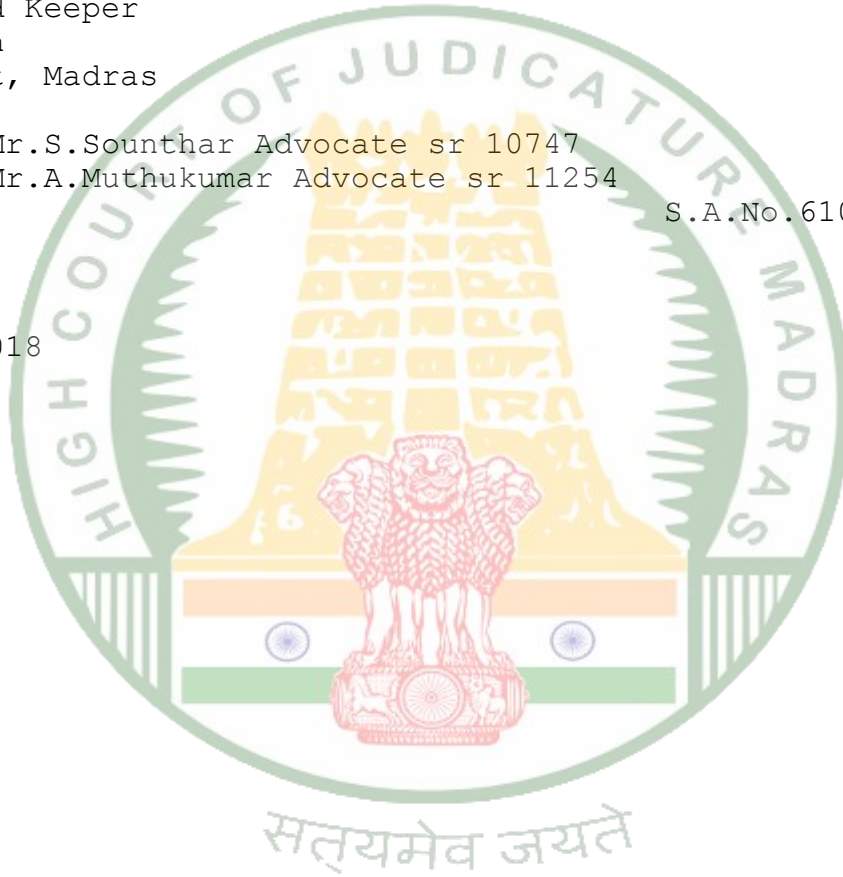
1. The District Judge, District Court,
Nagapattinam.
2. The Additional Subordinate Judge,
Subordinate Court,
Mayiladuthurai.

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The Record Keeper
VR Section
High Court, Madras

+1 cc to Mr.S.Sounthar Advocate sr 10747
+1 cc to Mr.A.Muthukumar Advocate sr 11254

S.A.No.610 of 2008

gj(co)
aa06/04/2018



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