

In the High Court of Judicature at Madras

Dated : 27.04.2018

Coram

The Honourable Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice P.D.AUDIKESSAVALU

A.S.No.803 of 2012

and

MP.No.1 of 2012

1.G.Soundaram
2.G.Thirupathi
3.S.Govindan
4.K.Murugappan

..Appellants/Defendants

..vs..

K.Alamelu

..Respondent/Plaintiff

Appeal Suit has been filed under Order 41, Rule 1 r/w
Section 96 of the Civil Procedure Code against the judgment
and decree dated 12.06.2012 passed by the learned Principal
District Judge, Namakkal in O.S.No.24 of 2011.

For Appellants : Mr.T.Dhanyakumar
For Respondent : Mr.N.Ilangovan

JUDGMENT

(Judgment of the Court was delivered by R. SUBBIAH, J.)

The appellants herein are the defendants in O.S.No.24
of 2011, on the file of the learned Principal District
Judge, Namakkal. The respondent herein has filed the
aforesaid suit against the appellants/defendants for the
following reliefs:

(a) pass a preliminary decree in favour of the
plaintiff directing division of the suit properties into 3
equal shares by metes and bounds and put the plaintiff's in
separate possession and enjoyment of 1/3 share by metes and
bounds and to allot the same to the plaintiff;

(b)appoint a Commissioner for the said purpose of division and allotment of 1/3rd share as per registered gift settlement deed dated 06/08/2009;

(c)pass a decree in favour of the plaintiff declaring that the cancellation of settlement deed dated 24/08/2009 registered on the file of Sub Registrar of Valapadi is null and void and not binding on the plaintiff;

(d)pass a decree in favour of the plaintiff declaring that the partition deed dated 03/09/2009 registered on the file of Sub Registrar of Valapadi is null and void and not binding on the plaintiff;

(e)pass a decree in favour of the plaintiff declaring that the sale deed dated 25/03/2010 registered on the file of Sub Registrar of Valapadi is null and void and not binding on the plaintiff;

(f)pass a decree directing the defendants to pay the costs of the suit.

The trial court, after analysing the oral and documentary evidence adduced by the parties, has decreed the suit on 12.06.2012. Aggrieved over the same, the appellants/defendants have filed the present appeal suit.

2.As agreed by both the parties, this Court, by order dated 07.08.2017, directed the matter to be listed before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for arriving at an amicable settlement.

3.Accordingly, when the matter was taken up for mediation on 18.09.2017, on which date, both the appellants/defendants and the respondent/plaintiff have appeared in person; they have entered into a settlement in respect of their dispute between them; and they have also filed a joint memo of compromise dated 18.09.2017 signed by them along with their respective learned counsel on record, to that effect. Thereafter, the matter was sent back to this Court along with the mediation report dated 18.09.2017 enclosing the joint memo of compromise entered into by the parties.

4.Today, when the matter is taken up for consideration, both the appellants/defendants and the respondent/plaintiff appeared in person. When we enquired the parties about the factum of compromise and the terms of the compromise, they have admitted the same. We also perused the joint memo of compromise dated 18.09.2017 signed by both the parties, wherein, it is categorically stated that they have mutually agreed to amicably settle the dispute in A.S.No.803 of 2012, as per the terms detailed thereunder.

5.Recording the same, this Appeal Suit is disposed of in terms of the aforesaid joint memo of compromise dated 18.09.2017 entered into between the parties. The said joint memo of compromise dated 18.09.2017 shall form part of the decree. The Registry is directed to refund the court fee to the learned counsel for the appellants as contemplated under Section 69A of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To
The Principal District Judge,
Namakkal.

+1cc to Mr.T.Dhanyakumar , Advocate SR.No. 32152.

+2cc to Mr.N.Ilangovan, Advocate SR.No. 31562(28/09/2018)

A.S.No.803 of 2012

VGI (CO)
ASK(07/09/2018)

सत्यमेव जयते

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