

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.1976 of 2002

Jayaraman Udayar ... Appellant/2nd Respondent

Vs.

1.Chinna Kuzhandai

2.Valarmathi

3.Mannu Udayar

4.Valliammal

... Respondents 1 & 2/Plaintiffs

... Respondents 3 & 4/Defendants 1 & 3

Prayer : Second Appeal is filed under Section 100 of the Civil Procedure Code, to set aside the Judgment and Decree as made in A.S.No.140 of 2000 dated 31.05.2002 on the file of the Additional District Judge, Tiruvannamalai, confirming the Judgment in regard to partition but partly modifying in regard to the share of the respondents 1 and 2 as made in Judgment and Decree in O.S.No.398 of 1997 dated 08.08.2000 on the file of the District Munsif, Chengam.

For Appellant : Mr.R.Karthikeyan

For Respondents : Mr.V.Raghavachari for R1 & R2
R3 & R4 Given up

J U D G M E N T

The respondents/plaintiffs filed a suit for partition. The suit is decreed in favour of the plaintiffs. Aggrieved against the same, the appellant/second defendant filed the appeal before the lower appellate court. The lower appellate court also confirmed the decreetal order passed by the lower court. As against the concurrent findings, the present Second Appeal is filed.

2. Learned counsel for the appellant/second defendant submitted a joint compromise memo before this court with the signature of the parties wherein the matter ended in compromise between the family members, who are the parties in the appeal.

3. Recording the joint compromise memo filed by the appellant/second defendant and the respondents, the Second Appeal is dismissed. The joint compromise memo shall form part and parcel of the decree and it reads as follows:

JOINT COMPROMISE MEMO FILED UNDER ORDER 23 RULE 3 CPC

Both parties have agreed to Compromise the suit in terms of the compromise given here under:

TERMS OF COMPROMISE

"The Appellant/Second Defendant had paid a sum of Rs.53,000/- (Fifty Three Thousands only) to the plaintiff/respondents 1 and 2 herein on 06.12.2003 in full quit of their shares granted in the above suit. The appellant will be entitled to the entire suit properties and the appellant has to maintain his parents respondents 3 and 4 who are defendants 1 and 3 in the suit. Both parties have agreed to bear their own cost throughout as per this compromise. The Appeal may be disposed of without cost."

Registry is directed to enter the compromise memo as part and parcel of the decree. Accordingly, the Second Appeal is decreed in the above terms of compromise. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Additional District Judge, Tiruvannamalai.
2. The District Munsif, Chengam.

Copy to

The Section Officer, V.R. Section, High Court, Madras. (2 copies)

+1cc to Mr.V.RAGHAVACHARI, Advocate, S.R.No.756

+1cc to Mr.R.KARTHIKEYAN, Advocate, S.R.No. 714

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MP (CO)

TR(07/05/2018)