

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU**

C.S.No.396 of 2012

J.Manimegalai

...Plaintiff

Vs.

1.R.Paneerselvam

2.P.Malliga

...Defendants

Plaint filed under Ordrer IV Rule I of Original Side Rules r/w Order
VII Rule I and Order XXIV Rule I of the Civil Procedure Code.

For Plaintiff : Mr.C.Samadharmarasu

For Respondents : Mr.V.Sekar for D1
Mr.V.Raghavachari for D2

J U D G M E N T

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

The suit was filed by the plaintiff for the following reliefs:

- a) For directing the defendants 1 and 2 to effect partition and allot 1/3rd share in the schedule mentioned

suit properties by metes and bounds to the plaintiff herein.

b) For a permanent injunction restraining the defendants 1 and 2 their men, agents, subordinates, nominee or nominees etc., from alienating or encumbering the properties more particularly described in the schedule of the plaint.

c) Directing the defendants to pay the cost of the suit.

2. Today, a memo of compromise, entered into between the plaintiff and the defendants dated 25.04.2018, is filed before this Court, signed by both the parties as well as their respective counsels. The terms of above said memo of compromise reads as follows:

"1. That the 2nd and 3rd item in the suit schedule of properties shall be allotted to the shares of the 1st defendant viz., R.PANNEERSELVAM in the above suit.

2. That the first item in the suit schedule of properties shall be allotted jointly to the share of the plaintiff and the 2nd defendant viz., Mrs.J.MANIMEGALAI & Mrs.P.MALLIGA, respectively.

3. That the 1st defendant shall take possession

of the 2nd and 3rd items in the suit scheduled properties.

4. That the plaintiff and the 2nd defendant shall take possession of the 1st items in the suit scheduled properties forthwith. That the amount deposited in the account of C.S.No.396/12 shall take by the plaintiff Mrs.J.Manimegalai and the 2nd defendant Mrs.P.Malligai and 1st defendant has no objection for withdrawal by his sisters namely Mrs.J.Manimegalai and Mrs.P.Malliga.

5. That the parties to the suit, their assigners and their legal heirs shall have no right to lay any claim against each other except to the shares that is allotted to their share in the above terms of compromise. The parties agree for quashing of proceedings in Crime No.448/17 on the file of CCB.

6. That the parties to the suit have agreed for passing the final decree in terms of the above compromise.

7. That the contents of the above compromise may be made as part and parcel of final decree.

8. That the parties to the suit shall bear the

cost on their own.”

3. Learned counsels appearing for the respective parties seek for decreeing the suit in terms of the above said memo of compromise. Both the parties are also present before this Court.

4. Considering the above stated facts and circumstances, the suit is decreed in terms of the above said memo of compromise which shall form part of the record as well as the decree. No costs.

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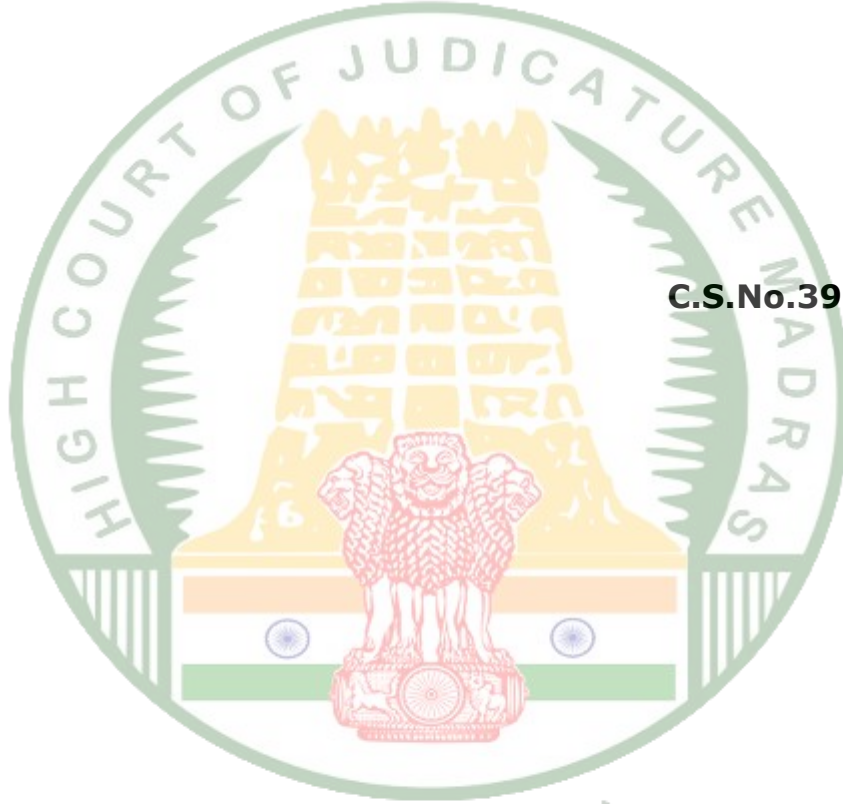
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[R.P.S.,J.] [P.D.A.,J.]
04.06.2018

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**R.SUBBIAH,J.
AND
P.D.AUDIKESAVALU,J.**

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C.S.No.396 of 2012

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04.06.2018

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