

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.No.93 and 94 of 2017
and
C.M.P.No.6567 of 2017

O.S.A.No.93 of 2017

S.Palani

..Appellant

.Vs.

1.K.Senthamarai Kannan (deceased)
R2 to R5 recorded as LRs of the deceased R1
vide order of Court dated 08.01.2018 made in
CMP.No.22106 of 2017 in OSA.No.93 of 2017

2.Kannagi
3.Saroja
4.Rekha

5.Minor.Vijai Lokesh
Rep. by his next friend,
natural guardian mother Rekha

..Respondents

PRAYER:- Appeal filed under clause 15 of Letter patent r/w
section 36 Rule 1 of O.S.rules against the Judgment and Decree
dated 12.01.2016 made in T.O.S.No.22 of 2007.

For Appellant : Mr.G.Jermiah

For Respondents: Mr.V.Manohar (for R4 & R5)

O.S.A.No.94 of 2017

S.Palani

..Appellant

.Vs.

1.Rekha

2.Minor.Vijai Lokesh
Rep. by his next friend,
natural guardian mother Rekha

..Respondents

PRAYER: Appeal under clause 15 of Letter patent r/w section 36 Rule 1 of O.S.rules against the Judgment and Decree dated 12.01.2016 made in Tr.C.S.No.449 of 2008.

For Appellant : Mr.G.Jermiah

For Respondents: Mr.V.Manohar

COMMON JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

O.S.A.93 of 2017 has been filed against the Judgment and Decree dated 12.01.2016 made in T.O.S.No.22 of 2007 passed by the learned single Judge.

2.O.S.A.94 of 2017 has been filed against the Judgment and Decree dated 12.01.2016 made in Tr.C.S.No.449 of 2008 passed by the learned single Judge.

3. On 14.11.2018, this Court passed the following order:

"5.When the matters are taken up for hearing, Mr.V.Manohar, learned counsel appearing for the respondents and Mr.G.Jermiah, learned counsel appearing for the appellant would jointly state that the matter has been settled and a compromise memo dated 13.11.2018 duly signed by both the parties and counter signed by their respective counsel has been filed before this Court. Both the appellant and the 1st respondent are present before this Court and they would reiterate that the matter has been settled as per the terms of the memo of compromise.

6.

As per the memo of compromise, the appellant has to pay a sum of Rs.1,45,00,000/- on or before 31.03.2019 in three installments. On such payment, the appellant would get the entire property as he paid a sum of Rs.1,45,00,000/-, in lieu of the share of the respondents. These appeals are disposed of in the terms of the compromise memo. The compromise memo shall form part of the decree. Consequently, connected miscellaneous petition is closed. No costs."

4.Since the appellant has not complied with the order passed by this Court on 14.11.2018, the earlier order passed by this

Court on 14.11.2018 is withdrawn and the present Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

sai

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

+2CCs to Mr.V.Manohar, Advocate, SR.No.45952 &45953

O.S.A.Nos.93 and 94 of 2017

Kak(14/09/2019)