



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

S.A.(MD)No.32 of 2018
and
C.M.P.(MD)No.563 of 2018

1.Sundar Raj
2.Pandian : Appellants / Respondents 1 & 2
Defendants 1 & 2

-Vs-

1.Mariamammal : 1st Respondent / Appellant
/Plaintiff
2.Selvi : 2nd Respondent / 3rd Respondent
/ 3rd Defendant

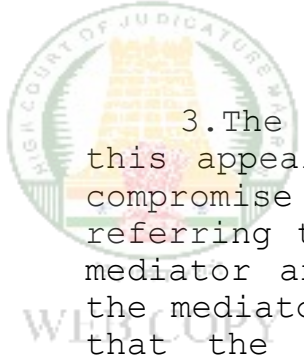
PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the decree and judgment dated 07.10.2016 made in A.S.No.7 of 2015 on the file of the learned Additional District Judge, Virudhunagar, reversing the decree and judgment dated 18.02.2014, made in O.S.No.55 of 2012 on the file of the learned Subordinate Judge, Aruppukottai.

For Appellants : Mr.S.Parthasarathy
For Respondents : Mr.P.M.Vishunvarthanan

JUDGMENT

The appellants are the defendants 1 and 2, in the suit in O.S.No.55 of 2012, on the file of the Sub Court, Aruppukottai.

2.The suit in O.S.No.55 of 2012, was filed by the first respondent herein, for partition and separate possession of $\frac{1}{4}$ share in the suit property and for consequential relief. The suit property is a building and some vacant site, situated in Maninagaram, Aruppukottai Town, Virudhunagar District. The plaintiff / first respondent and the third defendant are the daughters and the defendants 1 and 2 are sons of one Alagarsamy, who died in the year 2001. The mother of the planitiff also died in the year 2010. Though the trial Court dismissed the suit, the appeal in A.S.No.7 of 2015 was decreed. Aggrieved by the judgment and decree of the lower appellate Court, the defendants 1 and 2 have preferred the above second appeal.



3. The learned counsel for the appellants and the respondents in this appeal have expressed before this Court that the parties may compromise the issue, if the matter is sent for mediation. After referring the matter for mediation, the parties appeared before the mediator and agreed for terms and signed a compromise memo before the mediator and requested that the appeal may be referred back, so that the same will be disposed of in terms of the abovesaid compromise. Accordingly, the matter was referred back to this Court, stating that the matter is settled between the parties in terms of compromise memo and that the second appeal may be disposed of. The joint compromise memo, dated 27.03.2018, signed by all the parties in the presence of their respective Counsel is filed before this Court. Having regard to the terms of the joint compromise memo, this Court is inclined to dispose of the second appeal in terms of the joint compromise memo.

4. As a result, this second appeal is disposed of in terms of the joint compromise memo and the joint compromise memo may be treated as final decree. The joint compromise memo shall form part of this judgment. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed. The learned Counsel for the appellants is permitted to withdraw the Court fee affixed on the memorandum of grounds, by filing separate application.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge, Virudhunagar
2. The Subordinate Judge, Aruppukottai.

Copy to:

The Section Officer,
Vernacular Records, (2 Copies)
Madurai Bench of Madras High Court,
Madurai.

+4cc to Mr. S. Parthasarathy, Advocate Sr.No. 60925
Cmr
MK/SV MMS/SAR 2/18.06.2018/2P/9C

Judgment made in
S.A. (MD) No. 32 of 2018
12.04.2018