

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

C O R A M :

The Honourable Mr.Justice V.BHARATHIDASAN

A.S.No.473 of 2011
and A.S.No.280 of 2012

A.S.No.473 of 2011

P.Kalavathy

... Appellant

Vs.

1. V.Swarnalatha
2. S.Pasupathy
3. S.Kalyanasundaram
4. S.Kamalakannan
5. S.Sivasankaran
6. V.Uma Maheswari

... Respondents

Appeal against the Judgment and Decree dated 25.07.2011 made in
O.S.No.12821 of 2011 on the file of Additional District Court / II Fast Track
Court, Chennai.

For Appellant : Mr.R.Kannan

For Respondents : Mr.A.Govindasamy for R1
R2 to R6 given up

A.S.No.280 of 2012

P.Kalavathy

... Appellant

Vs.

1. S.Pasupathy
2. S.Kalyanasundaram

3. S.Kamalakaran
 4. S.Sivasankaran
 5. V.Uma Maheswari
 6. V.Swarnalatha

...Respondents

Appeal against the Judgment and Decree dated 25.07.2011 made in O.S.No.12792 of 2010 on the file of Additional District Court / II Fast Track Court, Chennai.

For Appellant : Mr.R.Kannan

For Respondents : Mr.A.Govindasamy for R6
 R1 to R5 given up

COMMON JUDGMENT

The above appeals are directed against the common judgment dated 25.07.2011 made in O.S.Nos.12821 of 2011 and 12792 of 2010 on the file of the learned Additional District Court/II Fast Track Court, Chennai.

2. Pending the above appeals, both the parties have entered into a compromise and settled the issues among themselves and reduced the terms of compromise into a Joint Memorandum of Compromise, duly signed by the appellant and 1st respondent in A.S.No.473 of 2011 / 6th respondent in A.S.No.280 of 2012.

3. The Joint memorandum of compromise dated 15.04.2019 reads as follows:

JOINT MEMO OF COMPROMISE FILED BY THE APPELLANT AND THE
1st RESPONDENT in A.S.No.473 of 2011 / 6th RESPONDENT in
A.S.No.280 of 2012

*" The above named appellant and the 1st respondent
V.Swarnalatha have agreed to settled the dispute by
compromise in the following terms and other respondents have
no interest in the disputed property.*

*1. Appellant has agreed to execute the sale Deed in
favour of 1st respondent V.Swarnalatha, in respect of her 1/6
undivided share in the suit property for a sale consideration of
Rs.15 lakhs out of which an amount of Rs.9.75 lakhs was
deposited into the court by 1st respondent and Rs.25,000/-
have paid as advance at the time of execution of agreement
for sale and the balance of Rs.5 lakhs to be paid by way of DD
No.504224, dt:15.04.2019 drawn on ICICI Bank in favour of
Appellant.*

*2. The Appellant has to execute the sale deed on or
before 25.04.2019 on receipt of the said amount of
Rs.5,00,000/- by means of DD as stated above and withdraw
the amount deposited into the account No.8443 Civil Deposit
of City Civil Court, Chennai in the suit in O.S.No.12821 of 2011
on the file of II Fast Track Court with accrued interest".*

V.BHARATHIDASAN, J.

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4. The learned counsel for the respondents submitted that pursuant to the order dated 14.11.2011 passed by this Court, a sum of Rs.9,75,000/- (Rupees Nine Lakhs Seventy Five Thousand only) has been deposited by the respondents to the credit of O.S.No.12821 of 2011 on the file of the City Civil Court, Chennai and as per the Joint Memorandum of Compromise, the appellant is permitted to withdraw the said amount.

5. In view of the above, except to record the Joint Memo of Compromise, as part and parcel of the above proceedings, no further orders are required to be passed in the above appeals. The appeals are accordingly, dismissed as settled out of Court. No costs. Consequently, connected C.M.Ps. are also dismissed.

सत्यमेव जयते

15.04.2019

Issue order copy on 22.04.2019

Index : Yes/No

Intranet : Yes/No

Speaking order/Non-speaking order

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To

The Additional District Court /

II Fast Track Court, Chennai.

A.S.No.473 of 2011
and A.S.No.280 of 2012