

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

A.S.No.299 of 2015

and

M.P.No.1 of 2015

1.Sundarakumar Nadar
2.Padmavathy Ammal
3.S.Ponraja

..Appellants

vs.

Elango

..Respondent

Appeal under Section 96 of Civil Procedure Code, against the Judgment and Decree made in O.S.No.23 of 2012 dated 13.02.2014 passed by the Principal District Judge at Thiruvallur.

For Appellants : Mr.R.Manickavel

For Respondent : Mr.P.B.Ramanujam

J U D G M E N T

The appeal suit is filed against the judgment and decree dated 13.02.2014 passed in O.S.No.23 of 2012.

2. When the appeal suit is listed for hearing, with the efforts of the learned counsel for the appellants as well as the respondent, the parties have agreed for a compromise and by way of negotiations, they have settled the issues between them. Accordingly, joint memo of compromise is filed and signed by all the parties to the appeal suit. The terms of the joint compromise memo is extracted as under:

JOINT MEMO OF COMPROMISE

The parties jointly agree as follows:

1. It is mutually agreed that the following lands shall be equally allotted to S.Ponraja (third appellant/defendant) and S.Elango (respondent/plaintiff)

Part:

- | | |
|---------------------|---|
| i) Dry S.No.268 | 3.80 acres |
| ii) Dry S.No.100/1B | 0.88 out of 1.76 acres |
| iii) S.No.104/2 | 0.10 out of 0.21 acres |
| iv) S.No.284/2 | 0.17 out of 0.35 acres |
| v) S.No.248/6A | 1.82 மேல்புறம் கீழ்
மேல் வடதலை 36 லிங்ஸ்
கீழ் மேல் தென்தலை 430
லிங்ஸ் இதில் உள்ள வீடும்
S.No.226/2A
பனைமரங்கள் |
| vi) S.No.83/1A | 2.54 15 cents |

The above lands are situated at Paramankurichi Village, Tiruchendur Taluk, Tuticorin District.

2. The parties shall appoint a competent Surveyor attached to Tiruchendur Taluk office/VAO to measure the above lands and allot equal shares to S.Ponraja and S.Elango and on such allotment, they shall be the separate owners of the shares allotted to them respectively and the above exercise shall be completed within a period of three months from this day.

3. The lands (வாழைத் தோப்பு) compromised in S.Nos.373/2A, 374/2A, 263/2B, measuring 15 cents, 84 cents and 14 cents respectively in Paramankurichi Village, Tiruchendur Taluk, Tuticorin District shall be exclusively allotted to S.Elango (respondent/plaintiff) and he shall be the owner of the said lands.

4. The lands (மாட்டு மந்தையில் ஒரு பகுதி) comprised in S.Nos.300 F, measuring 1 acres 48 cents, in Paramankurichi Village, Tiruchendur Taluk, Tuticorin District shall be equally divided between S.Ponraja (3rd appellant/3rd defendant) and S.Elango (respondent/plaintiff) after allotting an extent which is equivalent to Rs.20,00,000/- (Rupees Twenty Lakhs Only) in value to S.Elango.

5.The ancestral house in Paramankurichi Village, Tiruchendur Taluk, Tuticorin District comprised in S.No.248/6A2A, measuring 1 acres 82 cents (வடபுறம் கீழ் மேல் 95 லிங்ஸ், தென்புறம் கீழ் மேல் 106 லிங்ஸ், கீழ்புறம் தெற்கு வடக்கு லிங்ஸ், மேல்புறம் தென் வடபுறம் 32 லிங்ஸ் இதற்குட்பட்ட கிணறு) of Paramankurichi Village shall be equally divided and S.Ponraja (3rd appellant/3rd defendant) and S.Elango (respondent/plaintiff) shall each be allotted half share there in.

6. The residential house, ground and premises bearing Door No.27, Plot No.17 (forming part of approved layout DTP No.1157/91), K.G.P.Nagar, Thiruvallur Town, Thiruvallur Taluk, Thiruvallur District comprised in S.No.542/3 of Pungathur Village, Patta No.737, measuring 2695 Sq.ft., shall be exclusively allotted to S.Ponraja (3rd appellant/3rd defendant) and he shall be the owner of the said property.

7.Both of the sons S.Ponraja and S.Elango shall each pay a sum of Rs.3,000/- every month to the parents Sundarakumar Nadar and Padmavathy 2Ammal till their lifetime towards their maintenance.

8. The decree and judgement passed in O.S.No.23 of 2012 by the Trial Court and the final decree passed in I.A.No.447 of 2014, dated 27.02.2019 during the pendency of this Appeal are all set-aside.

9.The parties jointly pray that this compromise memo may be recorded and a final decree may be passed as per this memo of compromise in the suit and thus render justice"

3. The joint memo of compromise shall be treated as part and parcel of the decree to be drawn. In view of the compromise arrived between the parties, the appeal suit in AS.No.299 of 2015 stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Principal District Judge,
Thiruvallur.

copy to
The Section Officer
VR Section
High Court, Madras

+2 cc to Mr.R.Manickavel Advocate sr104627
+1 cc to Mr.P.B.Ramanujam Advocate sr104381

A.S.No.299 of 2015

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