

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

S.A.No.1473 of 2007 &
M.P.No.1 of 2007

Govindan ... Appellant/Appellant/1st Defendant

Vs

1.D.Suseela ... Respondent/Respondent/Plaintiff

2.C.Adimoolam ... Respondents /Respondents/2nd Defendant

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgement and decree passed in A.S.No.45 of 2006 dated 20.09.2007 on the file of the Sub Ordinate Judge, Ranipet confirming the Judgment and Decree passed in O.S.No.187 of 1998 dated 28.02.2006 on the file of the District Munsif Court, Sholingar.

For Appellant : Mr.R.Shivakumar

For Respondent 1 : Mr.R.Rengaramanujam

For Respondent 2 : No appearance

J U D G E M E N T

सत्यमेव जयते

This second appeal has been filed challenging the judgment and decree dated 20.09.2007 passed by the Sub Ordinate Judge, Ranipet in A.S.No.45 of 2006 confirming the judgment and decree dated 28.02.2006 passed by the District Munsif Court, Sholingar in O.S.No.187 of 1998.

2. The Appellant as well as the first respondent are present before this Court today. The second respondent has remained exparte before the Trial Court and despite service of notice on the second respondent and his name having been printed in the cause list today, he is not represented by any counsel.

3. The parties have settled the dispute amongst themselves and they have also filed a compromise memo dated 14.10.2019 to that effect before this Court. The parties and their respective counsels have also signed in the Compromise Memo which is extracted hereunder:

“ Compromise Memo

The suit for permanent injunction restraining the appellant and the 2nd respondent in the Second Appeal from interfering with the 1st respondent/plaintiff's peaceful possession and enjoyment of the suit property and also prayed for mandatory injunction to remove the superstructure in the suit property.

SUIT SCHEDULE OF PROPERTY

Vellore District, Sholinghur Sub-District, Walaja Taluk, Sholinghur Town.

The portion of the land in Kuttai poramboke in S.F.No.642/1, situated to the south of the street, to the east of the poramboke land occupied by Subban, to the north of Kuppan's house and to the west of Kondapalayam Road, measuring 4 feet east to west and 16 feet north to south.

Now due to mediation by the elders the Appellant and the 1st respondent/Plaintiff came to amicable settlement. The construction was made by the appellant and therefore, considering the nature of site and the improvement made by the appellant, 1st respondent/plaintiff decided to withdraw the claim over the above referred suit property. It is needless to state that the 2nd respondent has no claim in the suit property and more over he never filed any appeal against the Trial Court order. There is no Coercion or collusion for arriving the compromise. In that circumstance it is prayed before this Hon'ble Court may be pleased to decree the Second Appeal as prayed for in favour of the Appellant by recording that the 1st respondent/Plaintiff as no claim in the suit property.

It is therefore prayed before this Hon'ble court may be pleased to pass appropriate order based on this Compromise Memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render Justice.”

4. The second appeal is disposed of in terms of the

Compromise Memo. The Memo of Compromise dated 14.10.2019 shall form part of the Decree. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

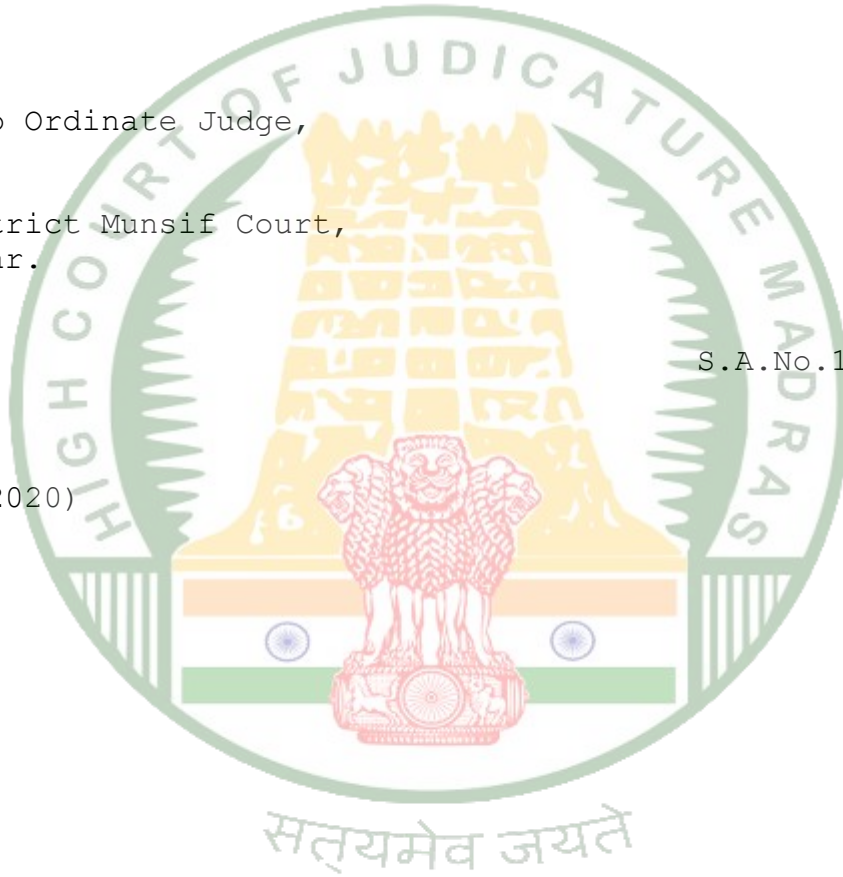
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To

- 1.The Sub Ordinate Judge,
Ranipet.
- 2.The District Munsif Court,
Sholingar.

S.A.No.1473 of 2007

VSN II(CO)
GN(11/09/2020)



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