

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

S.A.No.1070 of 2005

Sardar Khan

...Appellant/Appellant/Defendant

Vs.

1.Sulaiman Khan (died) ...1st Respondent/Respondent/Plaintiff

2.K.S.Parveen Banu ...2nd Respondent/LR of the 1st Respondent

2nd respondent brought on record as legal heir of the deceased sole respondent vide order of court dated 15.03.2019 made in CMP No.5780, 5782 and 5783 of 2019 in S.A.No.1070 of 2005

Prayer:

Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree dated 24.11.2004 made in A.S.No.164 of 2000 on the file of Principal District Court, Villupuram District, confirming the judgment and decree dated 28.09.2000 made in O.S.No.495 of 1996 on the file of Additional District Munsif Court, Villupuram.

For Appellant : Mr.T.S.Baskaran

For Respondent : Mr.S.Krishnasamy

JUDGMENT

Both the appellant as well as the respondent are present with their respective counsel.

2. Joint memo of compromise has been filed by the appellant as well as the respondent signed by them and their counsel.

3. The terms of compromise read over to the appellant and the respondent and they agreed the same to be correct and also prays this court to dispose of the appeal in terms of the joint compromise filed by them.

4. In the light of the above position, the joint memo of compromise filed by the parties is recorded.

5. In the light of the terms of the joint compromise, inasmuch as the respondent has agreed to withdraw the suit in O.S.No.495 of 1996 on the file of the Additional District Munsif Court, Villupuram as settled out of court and also agrees the appellant may continue in the possession and enjoyment of the plaint schedule properties and she would not make any claim, whatsoever, over the plaint schedule properties, in such view of the matter, the judgment and decree of the courts below are set aside and accordingly, the second appeal is allowed in the terms of the joint compromise. No costs. The joint memo of compromise shall form part of the decree passed in this second appeal.

*Copy of the Joint Memo of compromise enclosed

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

bga

1. Principal District Court, Villupuram District
2. Additional District Munsif Court, Villupuram.

Copy to
The Section officer, V.R.Section, High Court, Madras

+lcc to Mr.T.S.Baskaran, Advocate SR.No.32353

S.A.No.1070 of 2005

SSP(CO)
GMY(04/12/2019)

WEB COPY