IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2019

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.1068 of 2018
and CMP.No.8794 of 2018

S.Thaarani ... Appellant/Petitioner/Plaintiff

Vs

1.Saraswathi
2.Gandhimathi
3.Subramanian
4.Palanichamy
5.Nirmal Ashok
6.S.Kumarasamy
7.K.Kumar
8.R.Yasodha
9.D.Ramesh
10.M.Revathy .... Respondents/Respondents/Defendants

Prayer :- Civil Miscellaneous Appeal filed under Order XLI Rule 1 of CPC, against the order and decretal order dated 12.04.2018 passed in I.A.No.509 of 2017 in O.S.No.204 of 2017 on the file of II Additional District Court, Erode.

For Appellant : Mr.N.C. Ashok Kumar
For Respondents : M/s.R. Shase for R3

JUDGMENT

The appellant herein has laid the suit for partition in O.S.No.204 of 2017 before the II Additional District Court, Erode. The suit was laid against her father, the third defendant and her paternal relatives.

2. The matter was referred to Mediation and the dispute was settled before the Mediation Centre, wherein a joint compromise memo dated 21.12.2018 was filed by the appellant and her father, the third defendant/third respondent.

3. Today, both the parties are present along with their respective counsels.

4. It is stated that as per the terms of the settlement arrived between the parties, father of the appellant, the third

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defendant in the suit had executed a settlement deed pertaining to some properties in favour of the appellant. The settlement deed refers to the present CMA, but by inadvertence or by oversight, the present CMA is mentioned therein as CMA.No.1068 of 2016 instead of CMA.No.1068 of 2018.

5. The statement was made on behalf of the third respondent/third defendant that a Rectification Deed can be executed by him to correct the said mistake and a memo dated 28.01.2019 has been filed before this Court today to that effect.

6. The same is recorded and the appellant/plaintiff withdraws the present appeal and an endorsement is made in the case bundle.

7. Recording the submission of the appellant and in view of the endorsement made, this appeal is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

ds
To:

1.The II Additional District Judge
Erode.

2.The Section Officer
VR Section, High Court, Madras.

+1 CC to Mr.M. Guruprasad, advocate sr 7826
+1 CC to Mr.N.C. Ashok Kumar, Advocate sr 6906(20/02/2019)

CMA.No.1068 of 2018

KAN(CO)
SP(18/02/2019)

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