

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Second Appeal No.245 of 2018

S.J.Saroja

...Appellant / Appellant/
Defendant

Vs.

Jeyanthi

...Respondent/Respondent/
Plaintiff

Prayer:- This second appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 22.09.2017 made in A.S.No.435 of 2013 on the file of the VII Additional Judge, City Civil Court, Chennai confirming the judgment and decree dated 06.09.2013 made in O.S.No.9738 of 2009 on the file of the VIII Assistant Judge, City Civil Court, Chennai.

For Appellant : Mr. S. Udayakumar

JUDGEMENT

The defendant, who suffered a decree in the hands of both Courts below, has filed the Second Appeal.

2. The respondent/plaintiff filed a suit in O.S.No.9738 of 2009 on the file of VIII Assistant City Civil Court, Chennai for declaration declaring that the cancellation of settlement deed dated 12.02.2008 executed by the defendant/appellant, who is the mother of the respondent/plaintiff, as null and void and also for permanent injunction.

3. The trial Court, after considering the pleadings and evidence, decreed the suit by judgment and decree dated 06.09.2013 and thereby setting aside the cancellation of the settlement deed. Aggrieved by the same, the appellant filed an appeal in A.S.No.435 of 2013 on the file of the VII Additional City Civil Court, Chennai. By judgment and decree dated 22.09.2017, the First Appellate Court dismissed the said appeal, thereby confirming the judgment and decree of the trial Court. Challenging the same, the appellant is before this Court with this Second Appeal.

4. Now pending Second Appeal, the parties have arrived at a settlement between themselves and agreed that the Settlement Deeds dated 01.12.2010 (Ex.B.1 to Ex.B4) executed by the appellant/mother in favour of her four daughters shall be valid, binding and enforceable in law and they have also filed a compromise memo to that effect. The memo of compromise is signed by the parties and the counsel for the appellant. The terms of the said joint compromise memo reads as follows :

"a) That Ex.B1 to B4 all the settlement deed dated 01.12.2010 executed by the appellant/defendant in favour of respondent/plaintiff and also her other three daughters are valid, binding and enforceable in law.

b) That in view of compromise arrived between the appellant and respondent, the decree passed by Trial Court and Lower Appellate Court be modified and the suit may be dismissed".

5. Considering the fact that the matter has been settled between the parties, the second appeal is disposed of in terms of the compromise memo. The said compromise memo shall form part of the decree. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The VII Additional Judge,
City Civil Court, Chennai.
2. The VIII Assistant Judge,
City Civil Court, Chennai.
3. The Section Officer,
VR Section, High Court, Madras.

+5 ccs to Mr.S.Udayakumar, Advocate, S.R.No.10614

S.A. No.245 of 2018

AD(CO)
SSM(21/05/2019).