

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

S.A.No.297 of 2019  
and  
C.M.P.No.4491 of 2019

Selvam Alias Kandasamy ... Appellant/Defendant

Vs.

Balammalle ... Respondent/Plaintiff

Prayer : This Second Appeal has been filed under Section 100 CPC against the judgment and decree dated 18.12.2018 rendered in A.S.No.17 of 2018 on the file of the Additional Subordinate Judge, Puducherry, reversing the judgment and decree dated 16.01.2018 rendered in O.S.No.510 of 2012 on the file of the I Additional District Munsif, Puducherry.

For appellant : M/s. Elizabeth Ravi

For respondents : Mr. B. Chinnammal

JUDGMENT

The defendant is the appellant herein. The respondent herein is the mother of the defendant, filed a suit in O.S.No.510 of 2012 on the file of the I Additional District Munsif Court at Puducherry, to declare the settlement deed dated 16.02.2010, executed by the plaintiff in favour of the defendant as null and void and also not binding on the plaintiff.

2. The trial Court, after considering the pleadings and evidence, dismissed the suit vide judgment and decree dated 16.01.2018. Aggrieved by the same, the plaintiff filed an appeal in A.S.No.17 of 2018 on the file of the Principal Subordinate Court, Puducherry. By judgment and decree dated 18.12.2018, the First Appellate Court allowed the said appeal, thereby decreed the suit. Now, challenging the same, the defendant is before this Court in this Second Appeal.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondent would submit that pending Second Appeal, the matter has been settled between the parties and they have also filed a joint memo of compromise before this Court to that effect. As per the joint compromise memo, the plaintiff agreed that the settlement deed executed in favour of the defendant is a valid one.

4. The memo of compromise is signed by both the parties and their respective counsels. The plaintiff appeared before this Court and on enquiry, she submitted that she agreed to settle the property in favour of his son, the appellant herein. The said submission is recorded. The terms of the said joint compromise memo reads as follows :

"1. The respondent has executed a settlement deed dated 16.02.2010, in favour of her son, the appellant herein, with respect to the suit schedule property.

2. Subsequently, the respondent herein has filed a suit in O.S.No.510 of 2012 on the file of the I Additional District Munsif, Puducherry, against the appellant herein, for the relief of cancellation of settlement deed dated 16.02.2010, and other consequential reliefs, at the instigation of her other son and two daughters.

3. The said suit was dismissed by a decree and judgment dated 16.01.2018 by the I Additional District Munsif, Puducherry, against which, the respondent had preferred an appeal in A.S.No.17 of 2018, on the file of Principal Subordinate Judge, Puducherry.

4. The Appeal has been allowed by a Judgment and decree dated 18.12.2018, by the Principal Subordinate Judge, Puducherry, against which, the present Second Appeal has been filed by the Appellant, who is the son of the respondent.

5. In the meanwhile, the respondent, having realised her mistake of filing case against her son, the appellant, for cancellation of settlement deed, now intends to withdraw the whole proceedings, initiated against her own son, by her.

6. The respondent hereby declares that the settlement deed dated 16.02.2010 in favour of her son, the appellant herein, with respect to the suit schedule property, is true and valid ad the same has been executed with my own consent and volition and without any undue influence, from any one.

7. Since the proceedings are in the stage of appeal, the respondent herein hereby withdraws her suit, in O.S.No.510 of 2012, from the file of I Additional Munsif, Puducherry, with her own volition and consent and not under any undue influence of coercion, from any one"

5. Considering the fact that the matter has been settled between the parties, the second appeal is dismissed. The said compromise memo shall form a part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

\*Copy of the Memo of Compromise enclosed

Sd/-  
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

mrp

To

1. The Additional Subordinate Judge,  
Puducherry,
2. The I Additional District Munsif,  
Puducherry.

+1cc to M/s. Elizabeth Ravi, Advocate SR.No.39324

S.A.No.297 of 2019

SAI (CO)  
GMV (17/06/2020)