

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.12.2019

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.564 of 2012
and A.No.3657 of 2012

Mr.Hassan Shah

.. Plaintiff

Vs.

Mr.Nabi Shah

.. Defendant

This Civil Suit is preferred, under Order VII Rule 1 of CPC read with Order IV Rule 1 O.S. Rules of the Madras High Court, praying to

a) Pass a preliminary decree for partition of the properties specified in schedule (Items 1 to 9) by metes and bounds and to allot ½ share in the said properties to the plaintiff and for separate possession of the same;

b) Cost of this suit; and

c) Pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thereby render justice.

For Plaintiff : Mr.K.Rajesh for
Mr.T.S.Gopalan & Co.

For Defendant : Mr.M.Sunil Kumar

JUDGMENT

Mr.K.Rajesh, learned counsel for sole plaintiff and Mr.M.Sunil Kumar, learned counsel for sole defendant are before this Court. Mr.Hassan Shah, plaintiff and Mr.Nabi Shah, defendant are also before this Court.

2. This matter is listed today for recording Memorandum of Compromise. A Joint Compromise Memo dated 18.10.2019, signed by plaintiff, defendant and their respective counsel along with requisite annexures has been placed before this Court and the same reads as follows:

'JOINT COMPROMISE MEMO FILED BY THE
PLAINTIFF AND DEFENDANT

It is humbly submitted that the above C.S.No.564 of 2012 has been compromised between the parties and memorandum of understanding have also been executed between the parties. It is further humbly submitted that the said Memorandum of Understanding have also been made as part of the order in C.C.No:407 and 408 of 2013 on the file of 3rd Metropolitan Magistrate Court, George Town, Chennai. The Memorandum of understanding, order passed in CC No.407 and 408 of 2013, Settlement Deed executed is filed along with this memo of compromise and the same may be accepted and suit may be decreed in terms of compromise arrived between the parties.

Therefore the above suit may be decreed in terms of Memorandum of Understanding executed between the plaintiff and defendant, the Settlement Deed executed by the plaintiff in favour of the defendant may be recorded and decree may be passed and thus render justice.

Dated at Chennai on this 18th day of October 2019.

(sd./-)

(sd./-)

*Plaintiff**Defendant**(sd/-)**(sd/-)**Counsel for Plaintiff**Counsel for Defendant'*

3. The plaintiff as well as defendant, who are present in person in the Court, confirm that they have understood the terms of Joint Compromise annexures thereto and they make a request that the suit may please be decreed in terms of the Joint Compromise dated 18.10.2019. Both the learned counsel, on instructions, make the same submission in unison.

4. Suit is decreed in terms of the aforesaid Joint Compromise Memo dated 18.10.2019 together with annexures, which shall form part of the decree. Consequently, connected miscellaneous petition is also closed. There shall be no order as to costs.

सत्यमेव जयते

05.12.2019

Speaking/Non-Speaking order

Index : Yes/No
Internet: Yes/No

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M.SUNDAR, J.
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