

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.07.2019

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

S.A.No.927 of 2015

M.Maharajan

... Appellant/Respondent/Plaintiff

Vs.

1.M.Dorairajan (Deceased)

2.D.Nithya

3.D.Anbu Mazhavanayar

(RR2 and R3 brought on record
as LRs of the deceased sole
respondent vide order of Court
dated 15.02.2018 made in
CMP.No.10864 of 2017 in
S.A.No.927 of 2015)

... Respondents/Appellant/Defendant/
LRS of the Deceased Respondent

Prayer: Second Appeal filed under Section 100 of C.P.C.,
against the decree and judgment dated 02.09.2014 in A.S.No.290
of 2012 on the file of the XV Additional Judge, City Civil
Court, Chennai, reversing the judgment and decree of the Trial
Court, dated 10.04.2012 in O.S.No.9944 of 2009, on the file of
the IV Assistant City Civil Court, Chennai.

For Appellants : Mr.P.B.Ramanujam
Mr.P.B.Balaji

RR1 : Died

For RR2 and RR3 : Mr. P.Selvaraj

J U D G M E N T

The Appellant herein is the plaintiff in the suit filed
seeking recovery of the suit premises. The suit was resisted
by the deceased Dorairajan (Defendant). During the pendency of
the second appeal, the defendant Dorairajan died. His legal
heirs, namely his daughter D.Nithya and his son D.Anbu

Mazhavarayar have been impleaded as Respondents 2 and 3. With the assistance of the respective counsel, the parties have arrived at an amicable settlement and they have reduced the same in writing and a compromise memo dated 18.07.2019 has been filed. The compromise had been signed by both the counsels and their respective parties. The relevant portion of the compromise memo is as follows:

(i) The Appellant A.Maharajan, has to pay Rs.20,00,000/- (Rupees Twenty Lakhs only) to the Respondents D.Nithya, and D.Anbu Mazhavarayar, and the Respondents have to receive the same.

(ii) The Respondents 2 and 3, agree to handover the schedule property (Land and House) to the Appellant (A.Maharajan).

(iii) The Respondents 2 and 3 will not claim any right over the property hereafter and give up their adverse possession rights and confirm the title of the Appellant.

5. Having received Rs.20,00,000/- by cash today i.e., on 18.07.2019 by the Respondents 2 and 3, from the Appellant A.Maharajan, as per the compromise, and acknowledged by them in this memo of compromise, the suit schedule property (All that piece and parcel of land with building measuring 1 ground and 477 sq.ft, compromised in T.S.No:298/1, Block No:17, at No:32, Muthiappagramani Street, Shenoy Nagar, Chennai - 600 030, is today handed over to the Appellant, by the Respondents.

In view of the above compromise, the Appellant and the Respondents pray this Hon'ble Court to pass a compromise decree and render justice.

2. Today, the Appellant A.Maharajan is present along with his son Sri Ram Sundar and also his counsel Mr.P.B.Balaji. The 2nd and 3rd respondents namely D.Nithya, husband of R2, R.Appu and D.Anbu Mazhavarayar along with their counsel Mr.P.Selvaraj are also present.

3. The Respondents received a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) by cash from the appellant. The appellant has confirmed that the possession of the suit property at No.32, Muthiappagramani Street, Shenoy Nagar, Chennai - 600 030 has been handed over to him.

4. In view of the same, nothing survives in this second Appeal and the same is disposed of in terms of the memo of compromise entered into between the parties. The memo of compromise shall form part of the decree. No order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

drl
To

- 1.The XV Additional Judge, City Civil Court, Chennai,
- 2.The IV Assistant City Civil Court, Chennai.

Copy to

The Section Officer,
VR Section,
High Court,
Chennai.

+1 CC to Mr.P.B.Ramanujam, Advocate sr 61099.

S.A.No.927 of 2015

BS (CO)
SP(10/03/2020)

सत्यमेव जयते

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