

IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND NINETEEN
PRESENT:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Second Appeal No.831 of 2016

1.Kiliammal

Chandrakantha (Since Deceased)

[Cause Title accepted by order dated 20.03.2015 made in
M.P.No.1 of 2015 in SA SR No.47205 of 2014]

...7th & 8th Respondents / Appellant/ Appellant

-Versus-

1.Sarasu

2.M.Vinayagam

3.M.Kumaresh

4.M.Uma ...1 to 4 Plaintiff/ Respondents/ Respondents

5.The DP.Do/Vellore/F.C-LTA/T.S.32370,
Vellore.

6.The Officer in charge Records,
Madras REgiment Wellington,
The Nilgiris.

7.The P.C.D.A.(P) Draupathi,
Allahabad, North India.

8.The Assistant Director of Ex-Servicemen Welfare,
Vellore.

9.The Pension Officer,
Ex-Defence Servicemen
Pension Officer Ex-Servicemen,
Katpadi Vellore.

10.The Pension and Family Pension of
Defence Service Personnel Controller Accounts,
Teynampet, Chennai.

... Respondents/ Respondents/ Respondents

Second Appeal filed under section 100 of Civil Procedure Code against the judgment and decree of the Court of the Subordinate Judge, Tirupattur, dated 31.10.2013 made in A.S.No.22 of 2012 confirming the judgment and decree of the Court of the District Munsif, Tirupattur dated 16.04.2012 made in O.S.No.539 of 2004.

Decree: This Second Appeal coming on for hearing on this day in the Presence of Mr.M.V.Venkataseshan, Advocate for the Appellant and of Mr.E.Kannadasan, Advocate for the Respondents 1 to 4 and the parties herein having entered into a Compromise between themselves and having filed into Court vide SR.NO.102734 dated 20.12.2018 by the Appellant as well as the Respondents, the memo of compromise a Joint memo of Compromise representing the Court to pass a decree interms thereof, upon perusing the Grounds of Appeal, the judgment and decree of the Lower Court and the material papers in the Suit and the memo of compromise duly signed by the parties and the respective Advocate, this Court doth record the original of which is annexed herein, doth interms thereof, doth order and decree as follows:

1) that the Appellant/Appellant/Defendant7 and the Respondents 1 to 4/ Respondents 1 to 4/ Respondent 1 to 4 submit that they arrived at a Joint compromise on the advice of elders, well wishers of both parties and settle their disputes as per the following terms:

(i) The respondents 1 to 4 offered to give for a sum of Rs.2,25,000/- to the appellant towards her share and the appellant also accepted their offer.

(ii) The appellant agreed to withdraw the above appeal and also agreed to return all the original documents, which were filed before the learned District Musnif, Thiruppathur, Vellore District in O.S.No.539 of 2004 as exhibits on her side by filing proper application.

(iii) The appellant agreed that she will not make further claim in any form from the respondents 1 to 4 and also agreed that she will not object them from getting death benefits and retirement benefits of deceased MURUGESAN from the Indian Army.

(iv) The respondents 1 to 4 today, i.e., 19.12.2018 out of Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only) Rs.1,00,000/- (Rupees One Lakh only) in cash and the remaining amount of Rs.1,25,000/- (Rupees one Lakh Twenty Five Thousand only)

will be paid by them at the time of recording compromise memo before this Hon'ble Court. The appellant accepted and received the cash of Rs.1,00,000/- (Rupees One Lakh only) and put her Left Thumb impression(LTI) in this joint compromise memo."

2)that the Appellant/Appellant/Defendant 7 and the Respondents1 to 4/ Respondents 1 to 4/ Respondent 1 to 4 submit that they arrived the amicable compromise without any coercion or undue influence and put their signatures on their own accord.

3)that there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Tirupattur,
Vellore District.

2.The District Munsif,
Tirupattur, Vellore District.

+2cc to Mr. E.Kannadasan, Advocate, S.R.No. 19119, 19118

DATED:28.02.2019

DECREE

Second Appeal

No.831 of 2016

Dismissing the Second Appeal preferred against the judgment and decree of the Court of the Subordinate Judge, Tirupattur, dated 31.10.2013 made in A.S.No.22 of 2012 confirming the judgment and decree of the Court of the District Munsif, Tirupattur dated 16.04.2012 made in O.S.No.539 of 2004 etc as stated within.

A.SK(19/04/2022)