



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.40410 of 2016

and

W.M.P.No.34474 of 2016

1.S.Vijaya Kumar
2.S.Suresh
3.S.Karthic

.. Petitioners

-vs-

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakam, Chennai - 600 028.

2. The Sub-Registrar,
Villivakkam, Chennai.

3.P.Babu
4.P.Nagappan
5.P.Radhakrishnan
6.V.Kaniammal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned deed of cancellation of the settlement deed in Document Nos.3693/2009 dated 01.12.2009 on the file of the 2nd respondent herein and to quash the same and consequently direct the 2nd respondent to cancel the entries in the Encumbrance Certificate and direct the 2nd respondent to pay fine to this Court.

For Petitioners : Mr.S.Srinivasu

For RR1 & 2 : Mr.T.M.Pappiah
Special Government Pleader

For R5 : Mr.A.Saravanan

For RR3, 4 & 6 : Served - No appearance



O R D E R

This petition is filed to quash the deed of cancellation of the settlement deed in Document Nos.3693/2009 dated 01.12.2009 on the file of the second respondent herein and consequently direct the second respondent to cancel the entries in the Encumbrance Certificate and direct the second respondent to pay fine to this Court.

2. Earlier, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras and the parties have arrived at an amicable settlement before the Mediation Centre, which is reduced to a Joint Memorandum of Compromise dated 25.06.2019, signed by both the petitioners and the fifth respondent and their respective counsels.

3. The Joint Memorandum of Compromise is taken on record, which reads as follows:

(1) The settlement deed dated 01.12.2009 in Doc.No.3696 of 2009 settled by Saroja Ammal in favour of her son P.Radha Krishnan is agreed to be cancelled by the 5th respondent P.Radha Krishnan.

(2) The settlement deed dated 29.08.2005 in Doc.No.3087 of 2005 settled by Saroja Ammal in favour of her grand sons S.Vijaya Kumar, S.Suresh and S.Karthick is to be restored. The entries made in the encumbrance may be strike-off and removed by the SRO, Villavakkam.

(3) In consideration of the above said settlement the petitioners and the respondents 3 & 4 will pay to the 5th respondent a sum of Rs.6,50,000/- in 2 installments.

(a) 1st installment of Rs.3,00,000/- is paid by DD No.223744 dated 24.04.2019 drawn on State Bank of India, Padi Branch and Rs.50,000/- in cash.

The receipt of this amount is hereby acknowledged by P.Radha Krishnan.

(b) The 2nd and final installment amount of Rs.3,00,000/- paid in cash on 25.06.2019.

(4) The 5th respondent, P.Radha Krishnan, his successors or legal heirs will have no claim over the said subject property on any time.



WEB COPY

(5) The family of late K.Perumal Naicker and late Saroja Ammal consisted of 6 children - 5 sons and 1 daughter. The 2nd son P.Sekar died in the year 2010. The 6th respondent V.Kanniammal is married and living separately. The settlement deed dated 29.08.2005 Doc.No.3087 of 2005 and the subsequent document there is no provision made on allotment for their legal heirs in the subject property. In the event of any claim over the property is made by them, the same shall be settled by P.Shankar and his sons, P.Babu & P.Nagappan jointly without making the 5th respondent Radhakrishnan liable for the same.

(6) The petitioners undertake not to commit any default in the above said terms and time stipulated to pay the 2nd and final installment.

(7) The parties fulfilled that the above said conditions that the Settlement Deed dated 01.12.2009 registered as Doc.No.3696 of 2009 SRO, Villavakkam will be cancelled by the order of this Hon'ble Court.

(8) The parties have exchanged their respective title/other documents and have no claim against each other.

4. The above said terms of compromise are recorded.

5. Heard the learned counsels appearing on behalf of the parties.

6. In view of the above settlement arrived at between the parties, the Writ Petition is disposed of in terms of the Joint Memorandum of Compromise. The said Memorandum of Compromise shall form part and parcel of the order. Consequently, connected miscellaneous petition is closed. No costs.

* Xerox copy of Joint Memo of Compromise & Settlement dated 25.06.2019 enclosed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rsi



To

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.

2. The Sub-Registrar,
Villivakkam, Chennai.

+1cc to the Government Pleader, S.R.No.

W.P.No.40410 of 2016
and
W.M.P.No.34474 of 2016

EV(CO)
CS/01/08/2019