

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 1993 of 2019
and
C.M.P. 12961 of 2019

1. A.Vengan
2. V.Chinnaraju

... Petitioners

Vs.

1. R.Gomathi
2. R.Aswini

**(amended as per order dated
18.12.2019 in C.M.P.s 24533
& 24535 of 2019)**

... Respondents

Prayer :- This Civil Revision Petition has been filed under Art. 227 of Constitution of India, praying to set aside the Fair and Decreetal order dated 26.04.2019 made in I.A. No.596 of 2018 in O.S.No.109 of 2003 on the file of District Munsif Court, Harur.

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr. J.Pradeep

ORDER

This Civil Revision Petition has been filed against the order appointing the Advocate Commissioner in the final decree proceedings.

2. Earlier, the respondents have filed a suit for partition, and a preliminary decree has been passed in their favour. Challenging the same, the petitioners have filed an appeal in A.S. No.81 of 20015, and the appeal has been dismissed by judgment and decree dated 17.12.2007, and the preliminary decree has become final. Thereafter, the petitioners have filed a petition for passing a final decree, in which, an advocate commissioner was appointed. Challenging the same, the present Civil Revision Petition has been filed by the petitioners/defendants.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for petitioners as well as respondents submitted that, pending revision, parties have settled the dispute between themselves, and they have entered into a compromise memo. As per the compromise memo, the respondents have agreed to receive a sum of Rs.5 lakhs, and she undertakes that,

she will not make any further claim over the suit property. The memo of compromise reads as follows :-

"1) The petitioners herein are agreed to pay a sum of Rs.5,00,000/- to the respondents towards the welfare of the 2nd respondent, who being the granddaughter (born through his son Ramalingam and the 1st respondent) of the first petitioner and the respondents herein have received the same in cash dated 18.12.2019.

2) The respondents herein does not have any further claim over the suit properties at any point of time, and they are relinquishing their right over the suit properties under this compromise memo and the same cannot be revoked or varied at any circumstances.

3) The respondents hereby ratifies the alienations made by the petitioners herein in respect of the schedule mentioned properties.

4) The parties have entered into this compromise without any threat or coercion out of their free and volition.

5) In terms of the above said compromise, the decree and judgment dated 02.10.2005 passed in O.S. 109 of 2003 on the file of District Munsif Court, Harur, Dharmapuri District confirmed in A.S. No.81 of 2005 by a decree and judgment dated 17.12.2007 is set aside and the suit is dismissed in the above terms."

4. Today, both the petitioners and the respondents were present before this Court. On enquiry, the respondents have stated that, the matter has been settled between them, and they have received a sum of Rs.5 lakhs.

5. Considering the fact that, the matter has been settled between parties in terms of the compromise, the decree and judgment dated 02.10.2005 passed in O.S. 109 of 2003 on the file of District Munsif Court, Harur, Dharmapuri District

confirmed in A.S.No.81 of 2005 by a decree and judgment dated 17.12.2007 is set aside and the suit is dismissed in the above terms. Accordingly, the present Civil Revision Petition stands disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

6. The memorandum of compromise shall be form part of the order in the Civil Revision Petition.

18.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

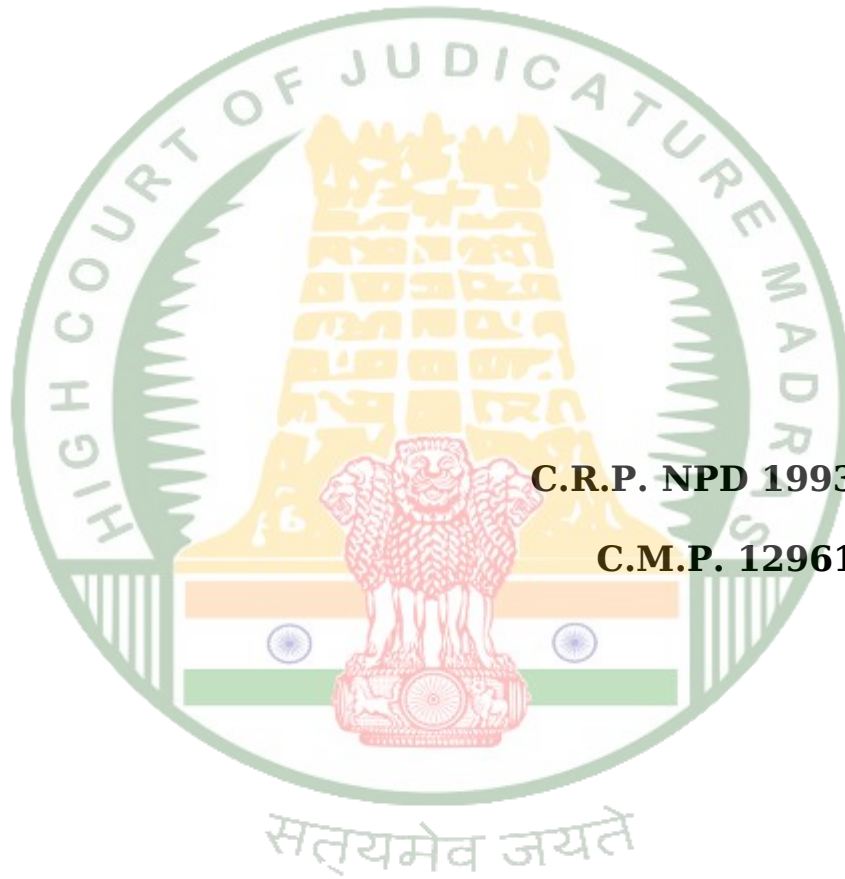
District Judge,
District Munsif Court,
Harur.



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V.BHARATHIDASAN,J.

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