

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

A.S.No.193 of 2017

And

C.M.P.No.8165 of 2017

1.Gowri
2.Yeshodha
3.Revathy

... Appellants/Defendants 1 to 3

vs.

1.Visalakshi
2.D.Ragavalingam
3.R.Sundararaj
4.R.Ravindran
5.S.Jaganathan
6.P.Sivakumar
7.S.Selvakumar
8.N.Raja

... Plaintiff/R-1

... Respondents 2 to 8/Defendants
4 to 10

First Appeal is filed under Order XLI, Rule 1 read with Section 96 of the Code of Civil Procedure, against the judgment and decree dated 27.09.2016 made in O.S. No.700 of 2012 on the file of the learned Additional District Judge No.5, Coimbatore.

For Appellant

: Ms.S.Aiyshwarya for
M/s.Sarvabhauman Associates.

For Respondent-1

: Mr.V.P.K.Gowtham

For Respondents 2 to 8

: No Appearance

J U D G M E N T

The appeal suit is filed against the judgment and decree dated 27.09.2016 passed by the learned V Additional District Judge, Coimbatore, in O.S.No.700 of 2012, which is a suit for partition. During the pendency of the first appeal, the respective parties with the efforts of the respective learned counsel appearing on behalf of the appellant as well as the first respondent, settled the issues and accordingly, filed a Memorandum of Compromise and the same is extracted as under:-

"MEMORANDUM OF COMPROMISE

The first respondent herein had filed suit O.S.No.700 of 2012 on the file of the V Additional District Court, Coimbatore against the appellants herein, seeking for a partition of the properties mentioned in the suit schedule. The said suit was decreed by a judgment and decree dated 27.09.2016 by the Hon'ble V Additional District Court, Coimbatore. As against the said judgment and decree, the appellants herein have preferred the above appeal, A.S.No.193 of 2017 on the file of this Hon'ble High Court. Now the parties to the above appeal have settled the disputes amongst themselves as the first appellant is the mother of appellants 2 and 3 and the first respondent herein on the following terms and conditions:-

1. The first respondent whole heartedly accepts the Settlement Deed dated 17.09.2012 registered as Doc.No.4514/2012 on the file of Sub Registrar's Office, Vadavalli executed by her father late B.Padmanabhan in favour of her mother, the first appellant herein.

2. That the first respondent acknowledges that she has no right, title or interest in the property subject matter of the suit O.S. No.700 of 2012 on the file of the V Additional District Court, Coimbatore."

2. The abovesaid compromise shall form part and parcel of the judgement.

3. In view of the abovesaid compromise memo, no further adjudication needs to be entertained in respect of the grounds raised in the first appeal.

4. Thus, the first appeal stands disposed of in terms of the above compromise memo. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

Svn
To

The Additional District Judge No.V,
Coimbatore.

Copy to:
The Section Officer, VR Section, High Court, Madras.

+1cc to M/s.Sarvabhauman Associates, Advocate SR.No. 102943
A.S.No.193 of 2017

A.SK(05/10/2020)



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