

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.885 of 2018
and O.A.No.1213 of 2018

Mrs.B.Vidya,
W/o. R.Narasimhan,
Flat No.12, Sougandh, New No.77,
Old No.36, 7th Avenue, Ashok Nagar,
Chennai - 600 083.

... Plaintiff

Vs

1. Mrs. B.Saroja,
W/o.K.N.Bhujanga Rao,
Flat No.12, Souganth, New No.77,
Old No.36, 7th Avenue, Ashok Nagar,
Chennai - 600 083

2. Mrs.B.Sandhya,
W/o.Dr.B.K.Giridhara Rao,
Permanently residing at
Flat No.12, Souganth, New No.77,
Old No.36, 7th Avenue, Ashok Nagar,
Chennai - 600 083.

Presently residing at
Block 15, 9th Street North,
Ahamadhi, Kuwait

... Defendants

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Plaint filed under Order IV Rule 1 of O.S. Rules r/w Order VII Rule 1 of CPC, praying for judgment and decree as follows:

- a) to declare that the plaintiff's father Mr.K.N.Bhujanga Rao, is the legal representative of the deceased Mrs.Sumathi Raghavendran;
- b) to declare the title of the plaintiff in respect of the flat more fully described in schedule 'B' hereunder in view of the oral arrangement dated 10.11.2008 agreeing to release whatever rights they had in flat described as suit Schedule 'B' hereunder which was confirmed on 02.04.2018 by the plaintiff and defendants 1 and 2 to the suit;
- c) for mandatory injunction to direct the defendants 1 and 2 to come and execute documents for the purpose of registration of any decree in the above suit, in the event of such decree being passed by this Hon'ble Court in the above suit, with the Sub-Registrar's Office, situate at Ashok Nagar, Chennai and
- b) Direct the defendants to pay cost of the suit.

For Plaintiff : Mr.C.R.Prasanan

For Defendants : Mr.A.Palaniappan for D1
Mr.S.Mukunth for D2

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JUDGMENT

The suit has been filed to declare that the plaintiff's father Mr.K.N.Bhujanga Rao, is the legal representative of the deceased Mrs.Sumathi Raghavendran; to declare the title of the plaintiff in respect of the flat more fully described in schedule 'B 'hereunder in view of the oral arrangement dated 10.11.2008 agreeing to release whatever rights they had in flat described as suit Schedule 'B' hereunder which was confirmed on 02.04.2018 by the plaintiff and defendants 1 and 2 to the suit; for mandatory injunction to direct the defendants 1 and 2 to come and execute documents for the purpose of registration of any decree in the above suit, in the event of such decree being passed by this Hon'ble Court in the above suit, with the Sub-Registrar's Office, situate at Ashok Nagar, Chennai and direct the defendants to pay cost of the suit.

2. The learned counsel for the plaintiff and the learned counsel for the defendants would state that the dispute between the parties has been amicably settled and a joint memo of compromise, dated 28.01.2019 signed by both the parties and their counsel, has also been filed. Today, the parties along with their counsel, are present before this Court. The terms and conditions of the compromise reads

as follows:

" (i) The plaintiff and defendants 1 and 2 declare that the father of the plaintiff and 2nd defendant namely Mr. K.N. Bhujanga rao was the sole legal representative of the deceased Mrs. Sumathi Raghavendran.

ii) The defendants 1 and 2 accept, acknowledge and confirm the title and possession of the plaintiff in respect of the properties in suit schedule-A and B, in View of the oral arrangement dated **10/11/2008** agreeing to release whatever rights they had in the property described in suit schedule- A and B hereunder which was confirmed on 2/04/2018 by the plaintiff and defendants 1 and 2 in the suit by subscribing their respective signatures in it.

(iii) The defendants 1 and 2 agree that they would come and execute document for the purpose of registration of any decree in the above suit in the event of such decree being passed by this Hon'ble court in the above suit at Sub Registrar's office situate at Ashok Nagar, Chennai.

(iv) At the time when the oral arrangement dated **10/11/2008** had taken place, the plaintiff expressed her consent for the 1st defendant to execute a settlement deed in favour of the 2nd defendant and that the same had been executed on 17/11/2008 itself by the 1st defendant in favour of the 2nd defendant. She also acknowledges the fact that the 2nd defendant accepted

the settlement deed and that she rented it to the 3rd party.

*(v).The plaintiff agrees to bear the cost of registration of the decree that is going to be passed in the above suit. The plaintiff has 1/2 share properties described in the suit 'A' and 'B' properties by virtue of the sale deed dated **30/05/1985** bearing DOC.No. 1604/1985. Thus she has pre-existing right in respect of the 1/2 share in the properties both in schedule A and B. The other 1/2 share in the properties both in schedule 'A' and 'B' which originally came to be succeeded by the father of the plaintiff and 2nd defendant namely Mr. Bhujanga rao is sought to be released under this compromise pursuant to the oral arrangement dated **10/11/2008** which was confirmed on 2/04/2018. This right of the father namely Mr. Bhujanga rao was succeeded by the plaintiff and defendants 1 and 2 as he died intestate. The right of the plaintiff, defendants 1 and 2 in the suit 'A' and 'B' schedule properties have come to exist even prior to this compromise. Therefore the defendants 1 and 2 wanted to release their share in respect of suit 'A' and 'B' schedule properties. Thus the plaintiff has become*

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entitled to the other 1/2 of the property in both 'A' and 'B' schedule properties.

(vi) The defendants declare that the plaintiff is the absolute owner of the property and that she is in possession of the property described in suit schedule - A and B hereunder and confirm that they have no right or title in the aforesaid properties."

3. The joint memo of compromise is recorded. In view of the above fact, the suit is decreed in terms of Memo of Compromise and Memo of Compromise shall form part of the decree. No costs. Consequently, connected application is closed.

28.01.2019

Index :Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

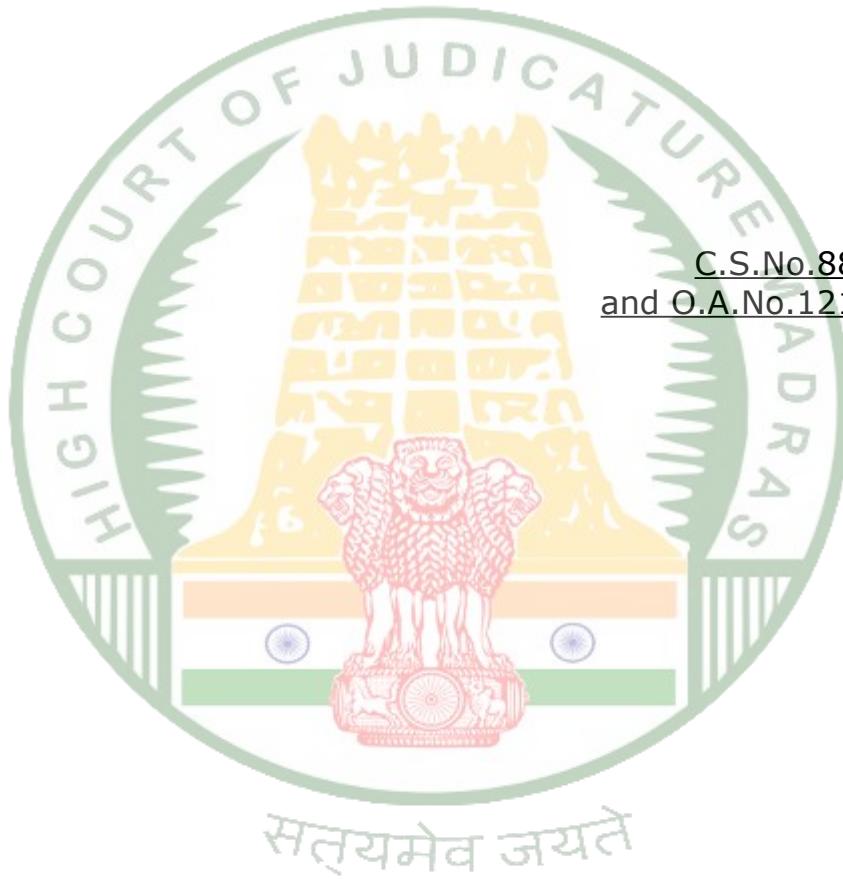
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To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

K.KALYANASUNDARAM, J.,

msv



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