



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, the Sixteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

SA(MD) . No.504 of 2010

POOSAPERUMAL ALIAS PERUMAL

... Appellant / Respondent
/ Defendant

Vs

MARIAMMAL

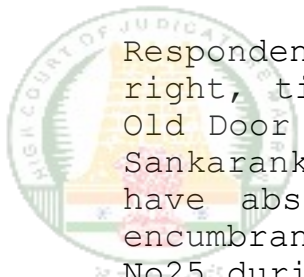
... Respondent /
Appellant / Plaintiff

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree passed in A.S. No.30 of 2009 dated 21.01.2009 on the file of the learned Subordinate Judge, Sankarankovil reversing the judgment and decree passed in O.S. No.239 of 2007 dated 30.10.2008 on the file of the Principal District Munsif, Sankarankovil.

DECREE: This Appeal Suit came up for hearing on this day, in the presence of Mr.M.P.Senthil, Advocate for Appellant and Mr.D.Nallathambi, Advocate for respondent herein having settled their differences and entered into compromise between themselves and through their respective advocates and having filed a memo of compromise duly signed by the parties as well as by their Advocates and upon perusing the grounds of appeal as well as the judgment and decree of the courts below and the records relating to the case memo of compromise dated 16.07.2019 the original of which are appended and annexed herewith, this court while recording the said memo of compromise, and disposing the Appeal and doth order and decree as follows

1)That in pursuance of the Joint Compromise Memo dated 16.07.2019, that the Appellant/Defendant agrees that the Respondent / Plaintiff and her husband Paramasivan can reside in New Door No.25, Old Door No.11, in First Street, Lakshmipuram, Sankarankovil Kaspas, Sankarankovil Taluk, Tirunelveli District (not the Suit property) during their lifetime and thereafter shall entrust/surrender the possession of the said property to the appellant herein. Apart from life interest of the



Respondent/Plaintiff and her husband, they will not claim any right, title or interest over the said property (New Door No.25, Old Door No.11 in First Street, Lakshmipuram, Sankarankovil Kaspas, Sankarankovil Taluk, Tirunelveli District) and consequently they have absolutely no right either to alienate or to create any encumbrance in respect of the above referred property in New Door No.25 during their lifetime.

2) That in pursuance of the Joint Compromise Memo dated 16.07.2019, As the Appellant / Defendant agrees to give life interest to the Plaintiff / Respondent and her husband in New Door No.25, Old Door No.11, in First Street, lakshmipuram, Sankarankovil Kaspas, Sankarankovil Taluk, Tirunelveli District, the respondent herein/plaintiff relinquished her entire right, title and interest in respect of her share over the suit schedule property and agreed to withdraw the main suit in O.S.No.239 of 2007 on the file of Principal District Munsif Court, Sankarankovil. The Plaintiff/respondent herein, hereby further agrees and undertakes that she will not claim any right in respect of the suit schedule property in future.

3) That in pursuance of the Joint Compromise Memo dated 16.07.2019, in consequence, the Judgment and Decree passed by both the courts below in O.S. No.239 of 2007 on the file of the Principal District Munsif Court, Sankarankovil dated 30.10.2008 as well as A.S. No.30 of 2009 before the Sub-Court, Sankarankovil dated 21.01.2010 shall stand redundant.

4) That in pursuance of the Joint Compromise Memo dated 16.07.2019, the Appellant/Defendant shall get registered the Judgment and Decree to be passed in the above second Appeal, recording the above compromise before the Jurisdiction Sub-Registrar Office and the respondent / Plaintiff shall have no objection and further will cooperate for completing the registration formalities.

5) That in pursuance of the Joint Compromise Memo dated 16.07.2019, The parties to the above second Appeal have entered into the above compromise in their own volition without any coercion whatsoever.

Schedule of Property

* Vide separate Sheet

Sd/-

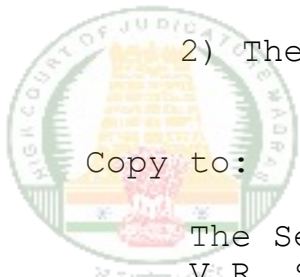
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

TO

1) The Subordinate Judge, Sankarankovil
(Compromise memo is enclosed)



2) The Principal District Munsif, Sankarankovil.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-75663 dated 17/07/2019)

ORDER DATED : 16/07/2019

=====

DECREE

=====

SA(MD) . No.504 of 2010

Nature of Decree:- Disposing
the Second Appeal preferred
against the judgment and
decree of the Subordinate
Judge, Sankarankovil
dated 21/01/2010 made in OS.
30/2009, preferred against
the judgment and decree of
the Principal District
Munsif, Sankarankovil made
in O.S. No.239 of 2007
dated 30.10.2008 etc.,
as stated within.

KK/SAR/27.08.2019/3P-6C/