



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.11.2019**

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

S.A(MD)No.1170 of 2005

Gnanasoundari

.. Appellant / Plaintiff

Vs.

1.Chandrakumari

2.The General Manager,
Southern Railway,
Chennai - 3.

3.The Deputy Chief Personnel Officer,
Southern Railway,
Ponmalai, Trichy - 4.

.. Respondents /Defendants

PRAYER: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree, dated 17.01.2005, made in A.S.No.107 of 2004 on the file of the Second Additional Sub Court, Trichy, confirming the judgment and decree, dated 17.06.2004, made in O.S.No.846 of 2000 on the file of the Principal District Munsif Court, Trichy.

For Appellant : Mr.S.Muthukrishnan

For Respondent No.1 : Mrs.T.Banumathi

For Respondents 2 & 3 : Mr.A.Haja Mohideen

JUDGMENT

The concurrent Judgments and decrees passed in O.S.No.846 of 2000 by the Principal District Munsif Court, Trichy and in A.S.No.107 of 2004 by the Second Additional Sub Court, Trichy, are being challenged in the present second appeal.

2.The appellant / plaintiff filed the suit in O.S.No.846 of 2000 for the reliefs of declaration and permanent injunction. The Trial Court dismissed the suit. Against which, the appellant / plaintiff filed A.S.No.107 of 2004 before the first appellate Court and the same was also dismissed. Against the concurrent Judgments and decrees passed by the Courts below, the appellant / plaintiff



has filed this second appeal.

3.The appellant / plaintiff and the 1st respondent / 1st defendant entered into an amicable settlement between themselves and have filed a joint compromise memo dated 18.11.2019. The terms of compromise are extracted below:-

"1.The 1st respondent herein agreed that she will not claim any right or succession over the property belonging to her deceased husband appellant family.

b.The appellant herein will not disturb the compassionate appointment given to the 1st respondent in southern railways".

4.Both the learned counsel for the appellant / plaintiff as well as the 1st respondent / 1st defendant would submit that both the appellant / plaintiff and the 1st respondent / 1st defendant have settled their disputes in accordance with the terms mentioned in the Joint Memo of Compromise. In the Joint Memo of Compromise, both the parties along with their counsel have signed, accepting the terms of compromise.

5.The learned counsel for the respondents 2 and 3 / defendants 2 and 3 would submit that since they have no say in the matter, they have not signed in the joint compromise memo. The said submission is recorded.

6.In view of the above, this Second Appeal is disposed of in accordance with the terms mentioned in the Joint Memo of Compromise. The appellant / plaintiff and the 1st respondent / 1st defendant shall act as per the Joint Memo of Compromise entered between them. The Joint Memo of Compromise shall form part of the decree. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

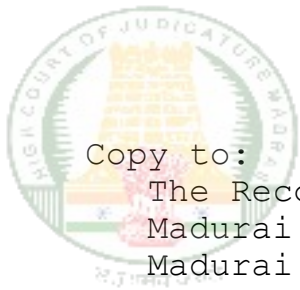
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To

1.The Second Additional Subordinate Judge,
Trichy.

2.The Principal District Munsif,
Trichy.

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+1 CC to M/s.S. MUTHU KRISHNAN, Advocate (SR-99684[F] dated 20/11/2019)

+1 CC to M/s.T. BANUMATHY, Advocate (SR-99870[F] dated 20/11/2019)

**JUDGMENT MADE IN
S.A(MD)No.1170 of 2005
19.11.2019**

JMN(13.01.2020) 3P : 7C