



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.No.631 of 2016
and
C.M.P.No.17891 of 2016
and
C.M.P.No.10794 of 2017

1.Priyadarsini
2.Anitha
3.Kasimariappan

...Appellants/Plaintiffs

Vs.

1.Mr.Kadirvel
2.Nithiya
3.Dhanasekar
4.Sundar
5.S.Raja
6.Mehala

7.Marimuthu @ Mahesh(as per memo) ...Respondents
(R7 name amended as per memo ordered Memo SR.No. 6380/2020 dated
26/02/2020 vide order of this Court dated 26/02/2020)

Prayer: Appeal Suit filed under Section 96 of the Code of Civil Procedure, against the judgment and decree dated 12.02.2016 passed in O.S.No.6050 of 2014 on the file of the XVIII Additional District Judge, (Full Additional charge) City Civil Court, Chennai.

For Appellants : Mr.A.R.Nixon

For Respondents: Mr.R.KamaRaj
[For R1, R4, R5 & R7]

JUDGMENT

The learned counsel appearing on behalf of the appellants as well as the learned counsel appearing on behalf of the respondents made a submission that all the three appellants as well as the respondents R1, R4, R5 & R7 have settled the disputes and entered into a compromise memo and the said compromise memo is filed before this Court. In respect of other respondents namely R2, R3 & R6, the learned counsel for the appellants made a submission that the appeal may be dismissed.



WEB COPY

2. In view of the said submission, a compromise memo now filed before this Court is extracted hereunder:

"Memo of compromise entered into between the Appellants and the Respondents 1, 4, 5 and 7:

At the intervention of well wishers, the Appellants and Respondents, 1, 4, 5, & 7 have arrived at a compromise in the above matter on the following terms-

1. The Respondents 1, 4, 5 and 7 hereby agree to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the Appellants within six months from today towards full and final settlement of their claim in the schedule property.

2. The Appellants agree to receive the above sum of Rs.8,00,00/- (Rupees Eight Lakhs only) towards full and final settlement of their claim in the schedule property from the Respondents herein and they shall, will no right or title over the same.

3. In the event of failure to pay the above sum of Rs.8,00,000/- by the Respondents 1, 4, 5 and 7 herein within six months, the Appellants will be entitled to 1/7th share in the schedule property.

4. The name of the 7th Respondent has been wrongly mentioned by the Appellants in the suit and this Appeal, as "Marimuthu". His correct name is "Mahesh", which is now mentioned in the cause title.

5. The measurement of the schedule property has been wrongly mentioned as 1,000 sq.ft, in the suit schedule. The actual measurements is only 710 sq.ft.

6. The survey number and full details of the property has not been mentioned in the suit schedule of the property. The Survey number for the suit property is O.S.No.1020, R.S.No.1075/1 and full details are given in the schedule hereunder.

7. In respect of the Respondents 2, 3 and 6, the Appeal and the suit may be dismissed.

It is therefore prayed that this Hon'ble Court may be pleased to record the above Memo of Compromise and decree the suit in terms of the same and thus, render justice.



SCHEDULE OF PROPERTY

House, bearing Door No.9, New Door No.10, (as per present properties tax receipts), previous Old No.16 (as per parental deed) VelayuthaPandian Street, OldWashermenpet, Chennai 600021 together with leasehold right over the land (Land belongs to ChinnasamyChetty and Jayaram Chetty Family) comprised in O.S.No.1020 part, R.S.No.1075/1 part, C.C.No.521, being bounded on the

North by : VelayuthaPandian Street,
South by : MadasamyNadar House
(now owned by B.Gnanam)
East by : Common Passage
Westby : MadasamyNadar House
(now owned by school)

measuring an extent of 710 sq.ft., situate within the Royapuram Sub Registrar's Office."

3. In view of the said compromise memo, this Court is of the considered opinion that no further adjudication is required with reference to the grounds raised in the appeal suit and the judgment and decree dated 12.02.2016 passed in O.S.No.6050 of 2014 is set aside. Accordingly, the appeal and the suit is dismissed in respect of the respondents R2, R3 and R6.

4. The compromise memo filed before this Court is to be treated as part and parcel of the appeal suit and the Registry is directed to draw the decree in the first appeal based on the compromise memo including the schedule. The Appeal and suit stand dismissed in respect of the Respondents 2, 3 and 6.

5. Accordingly, the appeal suit in A.S.No.631 of 2016 stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

Kak



To

The XVIII Additional District Judge,
(Full Additional charge), City Civil Court,
Chennai

WEB COPY

+1 CC to Mr.A.R.Nixon, Advocate sr 16536
+1 CC to Mr.R.KamaRaj, Advocate sr 17468.

A.S.No.631 of 2016

RSI (CO)
SP(16/08/2021)