

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

Second Appeal No.1111 of 2008

&

M.P.No.1 of 2008

Kamalakannan

...Appellant

Vs.

1.Dhana Lakshmi (Died)

2.Dheenadayalan

3.A.Rananathan

4.K.R.Ravi

5.K.R.Suresh

6.Jayashree

[R.3 to R.6 brought on record as LRs
of the deceased R.1 vide order of this
Court dated 06.02.2020 made in
C.M.P.No.25606, 25608 of 2019]

...Respondents

Second Appeal filed under Section 100 of C.P.C against the Judgment and decree dated 12.12.2007 in A.S.No.343 of 2006 on the file of the VII Additional City Civil Court, Chennai, confirming the judgment and decree dated 22.06.2004 in E.A.No.1917 of 2004 in E.P.No.922 of 2003 in O.S.No.5468 of 1998 on the file of the X Assistant City Civil Court, Chennai.

For Appellant .. Mr.P.B.Balaji

For Respondents .. Mr.P.Jeyaprakasam (for R.2)

JUDGMENT

When the matter is taken up for final hearing today, on behalf of the parties a joint memo of compromise dated 26.02.2020 have been filed reducing the terms of compromise.

2.The joint memo of compromise has been signed by the parties. Both the counsel requested this Court to dispose of the Second Appeal in terms of compromise recorded therein.

3.The terms of compromise are extracted herein;

"(i) The appellant has agreed to pay a sum of Rs.4,05,000/- in full and final satisfaction of decree passed in O.S.No.5468 of 1998 on the file of the City Civil Court at Chennai.

(ii) The appellant has accordingly, at the request of the respondents 4 to 6, children of the 3rd respondent, has today issued the following cheques in favour of the father A.K.Ranganathan, the 3rd respondent herein and accordingly the appellant has handed over the following cheques:

(a) Cheque bearing No.110842 dated 10.03.2020 for Rs.1,35,000/- drawn on Central Bank of India, Kilpauk Branch, Chennai

(b) Cheque bearing No.110843 dated 10.04.2020 for Rs.1,35,000/- drawn on Central Bank of India, Kilpauk Branch, Chennai

(c) Cheque bearing No.110844 dated 10.05.2020 for Rs.1,35,000/- drawn on Central Bank of India, Kilpauk Branch, Chennai.

(iii) The respondents 3 to 6 have received the above cheques, cheques subject to realisation, in full and final settlement and satisfaction of the decree passed in favour of late Dhanalakshmi, the decree holder/plaintiff and have no objection for attachment, if any, being raised.

(iv) The appellant hereby undertakes to honour the above three cheques and in the unlikely event of any of the cheques being dishonoured, the appellant shall be liable to pay interest on the dishonoured cheque amount at 18% p.a., till such time, the amount covered under dishonoured cheque is paid in full.

(v) The respondents 3 to 6 confirm that in view of the above settlement, the appellant is at liberty to deal with his property viz., No.21/1, Hyder Garden, 2nd street, perambur, Chennai - 600 012 in any manner the appellant deems fit and proper, without any reference to the respondents 3 to 6.

(vi) Parties shall bear their respective costs.

(vii) The above Second Appeal may be disposed of in terms of this Joint Memo of Compromise."

4.In view of the compromise being entered into between the parties, the Second Appeal stands disposed of on the terms of the above compromise. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

To

1.The VII Additional City Civil Court, Chennai.

2.The X Assistant City Civil Court, Chennai.

+1 cc to M/s.P.B.Ramanujam, Advocate,sr.16673.

Rr(co)

krd 9/10

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