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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

A.S.No.703 of 2018

Shanmugam .. Appellant/1st Defendant

Vs

1.M.A.M.Balachandar
2.Thirugnana Sambantham ... Respondents 1 & 2/1st & 2nd
Plaintiffs

3.Nagalakshmi
4.Rani .. Respondents 3 & 4 /2nd & 3rd
Defendants

Appeal filed under Section 96 r/w Order XLI Rule 1 of CPC against the judgment and decree dated 27.02.2018 in O.S.No.171 of 2014 on the file of the III Additional District and Sessions Court, Gobichettipalayam, Erode District.

For Appellant .. Mr.K.Mahendran
for M/s.MCGAN Law Firm

For Respondents.. Mr.S.Vijayakumar for R1 & R2
Mr.K.Sankara Raman for R3 & R4

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is preferred by the first defendant, challenging the judgment and decree rendered on 27.02.2018 in O.S.No.171 of 2014 filed for partition and separate possession.

2.Today, a joint compromise memo dated 07.01.2020 duly signed by the parties and attested by their respective counsel has been filed. A sketch has also been enclosed with the joint compromise memo. The parties are also present. The terms of the joint compromise memo dated 07.01.2020 read as under:

1. The 3rd and 4th respondents had received a sum of Rs.1,00,000/- (Rupees One Lakh only) each by way of cash from the appellant and 1st and 2nd respondents



and relinquished their shares over the property (Item 1 & Item 2 of the O.S.No.171/14) situated at Erode District, Gobichettipalayam Registration Office, Gobichettipalayam Taluk, measuring 15 cents.

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2. The 3rd and 4th respondents and their legal heirs will not make any further claim or share over the suit properties either present or in future and the appellant, 1st and 2nd respondent had got right to enjoy the property with all rights and entries.

3. On the basis, the appellant had obtained 6 cents of suit properties from south side. Remaining portion of the suit property was equally shared by 1st and 2nd respondents (the rough map was enclosed with this memo).

3.Considering the above, the first appeal stands disposed of in terms of the joint compromise memo dated 07.01.2020. Consequently, the judgment and decree of the Trial Court dated 27.02.2018 in O.S.No.171 of 2014 stand set aside. There shall be a final decree in terms of the joint compromise memo dated 07.01.2020. The joint compromise memo dated 07.01.2020 and the sketch shall form part of the decree. No costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

mmi

To

The III Additional District and Sessions Court,
Gobichettipalayam, Erode District.

+1cc to Mr.S.Sathish Rajan, Advocate, S.R.No. 1499
+1cc to Mr.Mcgan Law Firm, Advocate, S.R.No. 1491
+2cc to Mr.S.Vijaya Kumar, Advocate, S.R.No. 1558

A.S.No.703 of 2018

PPA (CO)
GN(27/10/2021)