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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

A.S.No.293 of 2015

and

M.P.No.1 of 2015

V.R.Rajasekar (a) R.Murugan

... Appellant/6th Defendant

Vs.

K.P.Madhanraj (Deceased)

1.Rathina devi

2.M.Vinod

3.M.Manoj Kumar

4.M.Jothi

...Respondents 1 to 4/Plaintiffs

D.S.P.Jerome (Deceased)

5.K.R.Vellaichamy

6.M.Thangaraj

7.R.Mohan

8.M.Prema

...Respondents 5 to 8/Defendants 2 to 5

9.Regina

10.J.Robinson

11.J.Richardson

... Respondents 9 to 11/

Defendant 7 to 9

(R1 died and R2 to R4 brought on

record as LRS of the deceased

R1 vide order of Court dated

18/08/2021 made in A.S.No.293 of 2015

and M.P No.1 of 2015)

Appeal Suit filed under Section 96 of the Code of Civil Procedure to set aside the Judgment and decree dated 27.09.2012 made in O.S.No.12094 of 2010 on the file of the XV Additional Judge, City Civil Court at Chennai.



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For appellant : Mr.A.E.Ravichandran

For respondents : Mr.S.Pugalenth (for R1 to R4)
R5 to R11 given up

JUDGMENT

This first appeal is filed by the 6th defendant to set aside the Judgment and decree dated 27.09.2012 made in O.S.No.12094 of 2010 on the file of the XV Additional Judge, City Civil Court at Chennai.

2.When the matter is taken up for hearing today, the learned counsel appearing for the appellant Mr.A.E.Ravichandran as well as the learned counsel appearing for the respondents 1 to 4 Mr.S.Pugalenth would submit that the disputes between the parties have been amicably settled and filed a joint memo of compromise dated 11.02.2021. The joint compromise memo reads as follows:-

"In pursuance to the above, the Appellant herein offered to pay sum of Rs.51,00,000/- to the respondents 2 to 4. Mother of the respondents also died on. Leaving behind the respondents 2 to 4 as her only legal heirs and already on record.

In pursuance to the same the Appellant herein (paid through the account of one Mr.Damodaran) has already paid a sum of Rs.51,00,000/- (Fifty one lakhs only) in the following manner. (1) Demand Draft bearing No.249092 for a sum of Rs.3,00,000/- drawn on corporation Bank, Rs.10,00,000/- on 18.11.2020 by RTGS No.UBINR 22020111800062096, Rs.7,00,000/- by RTGS UBINR No.2202112700124009 in all totalling 20,00,000/- in the name of Vinodh Kumar first respondent herein, (2) Demand Draft bearing No.249091 for a sum of Rs.3,00,000/- drawn on corporation bank, and Rs.10,00,000/- by way of RTGS on 23.03.2020 UTR No.Corpor 2202003240054-1925, Rs.5,00,000/- by RTGS No.UBINR NO.22020111800063504, Rs.2,00,000/- by RTGS No.UBINR No.22020112700124107 in all totalling Rs.20,00,000/- in the name of Manoj Kumar second respondent herein (3) and Rs.5,00,000/- (Five Lakhs only) by RTGS on 18.11.2020 and Rs.3,00,000/- by RTGS on 27.11.2020 vide UTR No.22020112700124041, Rs.3,00,000/- by way of cheque bearing No.760991 drawn



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on Union Bank India for a sum of Rs.1,00,000/- and by cash Rs.2,00,000/- to third respondent herein amounting to Rs.11,00,000/- compromise memo is subject to honouring of cheque.

Whereas in consideration of the above amount paid by the appellant herein the respondents 2 to 4 herein confirm that they shall give up their rights in so far as the extent 1800 sqft is concerned and more fully described in the schedule hereunder and the appellant shall be at liberty to deal with the said schedule mentioned property alone as his own property.

The respondents 2 to 4 shall cooperate with the appellant in perfecting the title in so far as the extent of 1800 sqft, more fully stated in the schedule herein.

The appellant shall submit to the decree in view of the above settlement and shall not claim any right for any part of the balance property of the suit schedule mentioned property.

The appellant herein shall cooperate with the respondents 2 to 4 as and when required, in order to proceed with the execution of the Judgment and Decree for the balance portion of the suit schedule mentioned property.

The appellant herein admits that this compromise pertains to the extent of schedule mentioned property measuring 1800 sqft and has nothing to do with the balance portion covered under the decree of the Hon'ble XV fast Track court Judge, dated 27.09.2012 and the respondents shall be at liberty to proceed against the balance property in the Execution proceedings in E.P.No.1725 of 2013 on the file of the Hon'ble X Assistant Judge, Civil Court, Chennai.

The Appellants herein gives up his rights on Rs.5,00,000/- referred to in the Decree of the Hon'ble XV Fast Tract Court Judge, dated 27.09.2012 in O.S.No.12094 of 2010 and has absolutely no objections for the respondents / plaintiffs 2 to 4 to withdraw the amount of Rs.5,00,000/- available in the suit schedule in C.S.No.588 of 1997 on the file of the Hon'ble High Court. The appellant shall cooperate as and when required for withdrawal of the above said amount.

The respondents / plaintiffs 2 to 4 herein shall peacefully handover possession of the suit property and shall have no rights over the same and shall not make any claim in future in so far as the



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schedule mentioned portion herein.

Henceforth there shall be no claims or disputes as against each other whatsoever in any manner pertaining to the suit subject property.

This is the final settlement and the parties shall not henceforth disturb the other on the subject issue in future at any costs.

The cost of the proceedings shall be borne by the respective parties.

The above settlement has been arrived between the parties on their own volition/willingness without any force, threat, coercion or undue influence from any quarter.

The settlement shall enforce strictly true to its spirit and intentions and no one shall deviate from the same"

3. In the light of the above mentioned facts, this appeal is disposed of in terms of the compromise memo dated 11.02.2021. The Joint Memo of Compromise shall form part of the Decree. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

1. The XV Additional Judge,
City Civil Court at Chennai.
2. The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.A.E.Ravichandran, Advocate Sr.41427

A.S.No.293 of 2015
and
M.P.No.1 of 2015

rsi[co]
srg 07/01/2022