



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

A.S.No.388/2018 and CMP.No.10096/2018

Kasthuri

... Plaintiff/ Appellant

-vs-

1. D.Sekar
2. D.Natarajan
3. V.Latha

... Defendants 1 to 3 /Respondents

First Appeal filed against a portion of the decree and judgment (insofar as rejecting the preliminary decree for suit items 1 and 2) passed in O.S.No.55/2011 on the file of the District Judge, District Court No.II, Kancheepuram, dated 25.09.2014 and to set aside the same by allowing the present appeal.

For Appellant : Mr.K.J.Parthasarathy

For Respondents: Mr.D.Govinda Reddy
1 and 2

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

The present Appeal Suit has been filed against the decree and judgment passed in O.S.No.55/2011 dated 25.09.2014 by the learned District Judge, District Court No.II, Kancheepuram, thereby rejecting the preliminary decree for partition in respect of items 1 and 2 of the Suit Schedule Properties against the plaintiff/appellant herein and passing a preliminary decree for partition in respect of Item No.3 of the suit schedule property in favour of the plaintiff/appellant herein.

2. When the matter was called, learned Counsel on either side jointly submitted that the dispute between the parties has been settled amicably. They further submitted that in this regard, a Joint Compromise Memo signed by both the parties, has been filed before this Court. Therefore, recording the same, the present Appeal Suit may be disposed of.

3. In this regard, it is relevant to extract the Joint Compromise Memo dated Nil.03.2020 here under:



'JOINT COMPROMISE MEMO

1. The appellant had filed the suit for partition O.S.No.56/2011 against respondents/defendants on the file of II District Judge, Kanchipuram for the partition of the suit schedule property into two equal shares and to allot one share to the plaintiff and declare the sale deed Document No.14096/2010 executed by the 1st and 2nd defendants/respondents 1 and 2 to in favour of 3rd respondent/3rd defendant as null and void.

2. The Trial Court by its judgment and decree dated 25.09.2014 partly allowed the suit and granted preliminary decree for partition of the 3rd item of the suit schedule property and dismissed the suit pertaining to the other two items.

3. The appellant aggrieved by the portion of the decree and judgment (in so far as rejecting the preliminary decree for suit items 1 and 2) passed in O.S.No.55 of 2011 on the file of the District Judge (District Court No.II) Kancheepuram dated 25.09.2014 had filed the above Appeal.

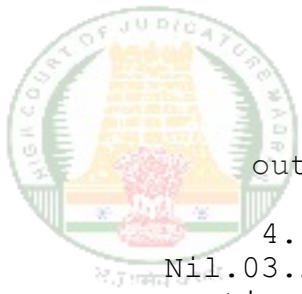
4. The parties during the pendency of the above appeal, upon intervention of friends and well wishers have decided to settle the lis and joined together and are filing the Memo of Compromise on the following terms:

(i) The appellant has agreed to receive from the respondents a total sum of Rs.22,50,000/- (Rupees Twenty Two Lakhs Fifty Thousand Only) towards full and final settlement of her claim made against the suit schedule properties in O.S.56/2011, subject matter of the First Appeal A.S.No.388/2018.

(ii) The 1st and 2nd respondents have jointly paid a sum of Rs.17,00,000/- (Rupees Seventeen Lakhs Only) by Demand Draft dated 10.03.2020 No.432461 drawn on City Union Bank Ltd. And the 3rd respondent has paid a sum of Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand Only) by CHEQUE dated 11.03.2020 No.231 drawn on HDFC Bank.

(iii) The appellant acknowledges receipt of the aforesaid sum of Rs.22,50,000/- from the respondents towards full quit, discharge and relinquishment of her claim in the suit schedule properties in O.S.No.55 of 2011.

(iv) that the above Appeal be disposed as settled



out of court.''

4. Recording the above Joint Compromise Memo dated Nil.03.2020, the present Appeal Suit is disposed of. Needless to mention that the above said Joint Compromise Memo shall form part of the decree. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P & A)

//True Copy//

Sub Assistant Registrar

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To

The District Judge,
District Court No.II,
Kancheepuram.

+2cc to Mr.K.J.Parthasarathy, Advocate, S.R.No.15480

+1cc to Mr.D.Govindareddy, Advocate, S.R.No.15743

A.S.No.388/2018

AD(CO)
GN(28/10/2021)