

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.09.2021
CORAM

**The Hon'ble Mrs.Justice Pushpa Sathyanarayana
and
The Hon'ble Mr.Justice Krishnan Ramasamy**

C.R.P.(NPD)No.3624 of 2019

Mr.B.Inder Mohan

... Revision Petitioner/petitioner/defendant

vs

Mrs.Chitralekha

... Respondent/respondent/plaintiff

Prayer :-

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 20.08.2019 passed by IV Additional Judge, City Civil Court, Chennai in I.A.No.8262 of 2018 in O.S.No.1060 of 2018.

For Revision Petitioner : M/S.N.P.Vijay Kumar

For Respondent : Mr.N.A.Nissar Ahmed

सत्यमेव जयते

ORDER

(Delivered by PUSHPA SATHYANARAYANA, J.)

A memo of compromise, dated 15.09.2021 has been filed in this Civil Revision Petition, whereby, the parties have entered into a compromise in the following terms :-

“The parties herein state as under:

1. Inder Mohan is the petitioner in CRP No.3624 of 2019. Chitralkha is the respondent in the CRP. In the suit in O.S.No.1060 of 2018 pending on the file of IV Additional Judge, City Civil Court, Chitralkha is the plaintiff and Inder Mohan is the defendant. The suit has been filed for partition of the schedule property. Parties are referred as per their ranks in the suit.

2. Plaintiff Chitralkha is cousin sister and sister in law of Inder Mohan. She had originally filed a suit for partition in O.S.No.9482 of 2011 on the file of II Additional Judge City Civil Court at Chennai. On 01.04.2013. The said suit was dismissed for non-prosecution. On 02.07.2013 plaintiff Chitralkha filed application in I.A.No.11793 of 2014 in O.S.No.9482 of 2011 on the file of II Additional Judge, City Civil Court at Chennai for restoring the suit in O.S.NO.9482 of 2011. Once again, on 02.09.2014, the Learned II Additional Judge City Civil Court at Chennai dismissed the restoration application for non-prosecution. Chitralkha once again on 19.02.2018, filed a suit for partition in O.S.No.1060 of 2018 before IV Additional Judge, City Civil Court at Chennai. Inder Mohan filed an application under Order 7 Rule 11 CPC for rejection of plaint along with Written Statement. The same was

dismissed on 20.08.2019. The present CRP No.3624 of 2019 has been filed seeking for rejection of suit filed by Chitralekha. Inder Mohan denies all the contents and allegations made in O.S.No.9482 of 2011 and O.S.No.1060 of 2018 filed before the City Civil Court at Chennai.

3. During the course of hearing of the CRP, parties have negotiated and have now agreed for a settlement. Though the defendant does not agree to any of the contents or the pleadings in O.S.No.9482 of 2011 and O.S.No.1060 of 2018, the defendant with a view to end the pending litigation is entering into this Memorandum of Settlement.

Settlement in Summary

4. With a view to put an end to the disputes between parties, defendant Inder Mohan has agreed upon terms of Settlement with the plaintiff Chitralekha. With this payment, the suit shall stand compromised and plaintiff Chitralekha and all her successors, in interest, shall have no claims to suit property which is more fully described in the schedule or against the defendant and his successors in interest.

5. Defendant Inder Mohan is making payment of a sum of Rs.17,50,000/- (Rupees Seventeen Lakhs

Fifty Thousand Only) as full and final settlement to plaintiff, Chitralkha, which plaintiff Chitralkha admits and acknowledges. There shall be no claims by Chitralkha or successor in interest towards Inder Mohan or his family in future whatsoever. The Demand Draft details are as follows:

Demand Draft	Rs.17,50,000/-
Demand Draft in favour of	Chitralkha
Demand Draft Number	015426
Drawn on the Bank	Bank of Baroda
Branch	Purasawalkam
Chennai	600 007

6. The parties agree that the suit O.S.No.1060 of 2018 pending on the file of IV Additional Judge be dismissed in terms of the Memo of Compromise.

7. Plaintiff Chitralkha undertakes to execute, file and do all such acts, deeds, as may be necessary as and when sought by defendant Inder Mohan in confirming the fact that plaintiff Chitralkha has no claim to the Schedule Property including registration of such documents as may be sought by the intending Purchaser or by the defendant Inder Mohan.

Schedule of Property

All that piece and parcel of land situate in the village of

Purasawakkam, Kandappa Mudali High Road, (Tana Street) bearing Door No.15, and situate on the easter row thereof within the Registration District of Chennai-Central and in the Sub Registration District of Purasawakkam bounded:

On the North by : S.No.1375

On the South by : S.No.1369

On the East by : S.No.1376 and 1373
and

On the West by : S.No.1381

Within the above boundaries an extent of 1 ground 1964 sq.ft and comprised in Collector's Certificate No.275 and bearing Resurvey No.1374 and Old Survey No.1253."

2. It is stated that O.S.No.1060 of 2018 ,which is pending on the file of IV Additional Judge, City Civil Court, Chennai, has been brought to this Court.

3. In order to give quietus to the pending matters, the Memo of Compromise, dated 15.09.2021 in the above CRP is recorded, as per which, the suit in O.S.1060 of 2018, which is on the file of IV Additional Judge, is

liable to be dismissed. Hence, Registry is directed to send back the O.S. bundle to the IV Additional Judge, City Civil Court, Chennai to pass orders as per the Compromise Memo.

4. In the result, this Civil Revision Petition is disposed of in terms of the aforesaid Memo of Compromise. The memo of settlement will form part and parcel of the above compromise. No costs.

[P.S.N., J.] [K.R., J.]
15.09.2021

Index : Yes/No
jd/sd
Speaking order/Non-speaking order

To

The IVth Additional Judge,
City Civil Court, Chennai

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CRP(NPD).No.3624 of 2019

Pushpa Sathyanarayana,J.,
&
Krishnan Ramasamy,J.,

jd/sd



C.R.P.(NPD)No.3624 of 2019

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