



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S. (MD) .No.8 of 2019

and

C.M.P. (MD) .No.352 of 2019

WEB COPY

1.K.Nesa Chandra Roy
2,Nalina Gnanabai

: Appellants/Respondents 1 & 3/
Defendants 1 & 3

Vs.

1.Sobi Ayyaswamy
2.Jeyabalan
3.Janilet Rani
4.J.Elango
5.J.Inigo

: 1st Respondent/Petitioner/Plaintiff

: Respondents 2 to 5/Respondents 6 to 9/
Defendants 6 to 9

Prayer : Appeal filed under Section 96 of the Code of Civil Procedure praying to set aside the final decree passed in I.A.No.86 of 2016 in O.S.No.69 of 2004 on the file of the learned Principal District Judge, Kanyakumari District, Nagercoil dated 23.07.2008 and set aside the same by allowing this appeal suit.

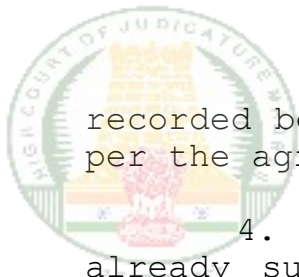
For Appellant	: Mr.R.Lakshmanan
For R-1	: Mr.D.Saravanan
For R-2	: Exparte

J U D G M E N T

The Advocate Commissioner has filed a report on 27.02.2020 before this Court pursuant to the order dated 20.02.2020. It is seen from the records that amicable settlement has already been reached between the parties and there is no dispute with regard to the division of the property. Admittedly, the submissions of both parties were recorded by this Court on 20.02.2020 and 27.02.2020.

2. On 27.02.2020, the learned counsel appearing for the appellants undertook before this Court that the appellants will not make any deviation in settlement in future and the same was also recorded by this Court.

3. Though this appeal has been filed as against the final decree proceedings, this Court after taking note of the lie and location of the area, have suggested both the parties to amicably resolve the issue between themselves. Both the parties have accepted the proposal before this Court. The proceedings were



recorded before this Court. Therefore, allotment shall be made as per the agreement reached between the parties on 27.02.2020.

4. Mr.R.Lakshmanan, learned counsel for the appellants has already submitted before this Court that the appellants will not make any such deviation and now he is against his submissions. Such conduct is highly deprecated by this Court and such practice should be hereafter avoided by the learned counsel.

5. In the result, the appeal suit stands disposed of in terms of the settlement reached between the parties on 27.02.2020. The Advocate Commissioner's report shall form part and parcel of the final decree and judgment. No costs. Consequently, the connected miscellaneous petition is closed. Accordingly, final decree is passed in terms of division and allotment indicated in the Advocate Commissioner's report filed before this Court in pursuant to settlement recorded by this Court on 27.02.2020. Accordingly, three months time is granted for depositing Non Judicial Papers for engrossing final decree.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg
To

1.The Principal District Judge,
Kanyakumari District, Nagercoil.

2.The Record Keeper, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to Mr.R.SARAVANAN, Advocate (SR-5225[F] dated 15/02/2021)

+1 CC to Mr.D.SARAVANAN, Advocate (SR-5421[F] dated 16/02/2021)

+1 CC to Mr.K..VAMANAN, Advocate (SR-5460[F] dated 16/02/2021)

Judgment made in
A.S. (MD).No.8 of 2019
Dated: **15.02.2021**