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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

A.S. (MD)No.153 of 2021

and

C.M.P (MD)Nos.5068 and 5069 of 2021

R.Sathish Kumar

.. Appellant/1st Defendant

Vs.

1.R.Sudha

.. 1st Respondent/Plaintiff

2.The District Manager,
IMFS Depot, TASMAL Ltd.,
Plot No.C-104,
SIPCOT Industrial Complex Area,
Madurai-Thoothukudi Bye-pass Road,
Tuticorin.

.. 2nd Respondent/2nd Defendant

PRAYER: Appeal filed under Section 96 of the Civil Procedure Code, against the judgment and decree in ordering partition of $\frac{1}{2}$ share relating to suit 4th schedule property and dismissing the prayer of declaration and injunction regarding 4th schedule property in the counter claim in O.S.No.4 of 2017 on the file of the learned Additional District and Sessions Judge, Virudhunagar, dated 26.02.2021.

For Appellant : Mr.S.Meenakshi Sundaram
for Mr.A.Srinivasan

For R1 : Mr.R.R.Kannan

For R2 : Mr.B.Jameel Arasu

JUDGMENT

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The first defendant is the appellant herein and the plaintiff is the first respondent herein. Today, both the parties are present before this Court.



2. This first appeal is directed against the judgment and decree dated 26.02.2021, in O.S.No.4 of 2017 passed by the learned Additional District and Sessions Judge, Virudhunagar, which is a partition suit and partly allowed.

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3. Aggrieved by the said judgment and decree, the first defendant preferred this appeal, who has now entered into compromise with the first respondent/plaintiff pursuant to the efforts of the Mediation and Conciliation Centre attached to the Madurai Bench of Madras High Court.

4. On perusal of the mediation report, this Court finds that the parties have arrived at an agreement and memorandum of compromise also filed in respect of dividing the property in question.

5. Recording the said compromise memo, this first appeal is disposed of. The memorandum of compromise shall form part of the judgment. No Costs. Consequently, connected C.M.P(MD)Nos.5068 and 5069 of 2021 are closed.

6. Since the matter has been settled through mediation, the parties are entitled to refund of Court fee as per the provisions of law.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Encl.: xerox copy of compromise memo.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Additional District and Sessions Judge,
Virudhunagar.



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

3. The Sub Assistant Registrar, Court officer Section,
Madurai Bench of Madras High Court, Madurai.

+6 CC to M/s.RR. KANNAN, Advocate (SR-35786[F] dated 25/11/2021)

+1 CC to M/s.A. SRINIVASAN, Advocate (SR-35832[F] dated
25/11/2021)

A.S. (MD) No.153 of 2021
24.11.2021

KMK(CO)
TR(10.12.2021) 3P 12C