



A.S.Nos.25 and 26 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

A.S.Nos.25 and 26 of 2013 and
CMP Nos.10123 and 10119 of 2022

A.S.No.25 of 2013

1. Nirmala

2. Gandhimathi

3. Sumathi

4. Pappathi

.. Appellants

Vs.

Balasubramani

.. Respondent

Appeal Suit filed under Section 96 r/w Order 41 Rule 1 and 2 of the Code of Civil Procedure, against the Judgment and Decree made in O.S.No.102 of 2009, dated 26.09.2012 on the file of the Principal District Judge, Namakkal.

For Appellant : Mr.K.Arangeswaran

For Respondents : Mr.Manoharan Sundaram



A.S.Nos.25 and 26 of 2013

A.S.No.26 of 2013

1. Pappathi

2. Nirmala

3. Sumathi

4. Gandhimathi

.. Appellants

Vs.

1. Ganthimathi

2. Balasubramani

.. Respondents

Appeal Suit filed under Section 96 r/w Order 41 Rule 1 and 2 of the Code of Civil Procedure, against the Judgment and Decree made in O.S.No.132 of 2010, dated 26.09.2012 on the file of the Principal District Judge, Namakkal.

For Appellants : Mr.K.Arangeswaran

For Respondents : Mr.Manoharan Sundaram

JUDGMENT

When these appeals are taken up for hearing today, the learned counsel for the appellants as well as the respondents in both the appeals unanimously submit that the parties to these appeals have entered into an agreement to settle the dispute among themselves. They have also filed CMP Nos.10123 and 10119 of 2022 in these appeals to that effect. The



parties to the appeals are also present before this Court and they have reiterated that they have already entered into agreement of settlement, dated 24.06.2022 among themselves. The settlement of agreement dated 24.06.2022 reads as follows:

6. The following settlement has been arrived between the parties hereto:

a. Both the parties agree that the Appellants are allotted the following properties,

- i. Item No.1 in O.S.No.102 of 2009 measuring an extent of about 1.52 Acres or thereabouts,*
- ii. Item No.3 in O.S.No.102 of 2009 measuring an extent of about 10 Cents or thereabouts,*
- iii. Item No.4 in O.S.No.102 of 2009 measuring an extent about 6 Cents or thereabouts,*

totalling an extent of 1.68 Acres or thereabouts. The Respondents declare that the property allotted to the Appellants are free from any claim or encumbrance. The above three properties are morefully described in Item Nos.1,3 and 4 respectively in the schedule hereunder.

b. In lieu to adjust the valuation of the properties being



allotted to the respective parties, the Respondents have agreed to grant Plot Nos.5 & 6, Srinivasa Nagar, Kunavelampatti Pudur, Kunavelampatti Post, Rasipuram Taluk, Namakkal District, measuring a total extent of 3,741 Sq.feet or thereabouts owned by Mrs.Gandhimathi (2nd Respondent in A.S.No.26 of 2013), situated near the above said extent of 1.68 Acres or thereabouts allotted to the Appellants, morefully described in Item No.5 in the Schedule hereunder, and also an extent of 216 Sq. feet or thereabouts, morefully described in Item No.6 in the Schedule hereunder, to the Appellants.

c. The Respondents have also agreed to assign the right of way obtained by them for Item No.3 in O.S.No.102 of 2009. The Respondents undertake to rectify at his own coat any issues or differences with respect to the right of way to the properties allotted to the Appellants.

d. The Respondents have further agreed to make a full and final settlement payment of Rs. 1 Lakh to each of the Appellants.

e. Both the parties agree that the Respondents are allotted Item No.2 in O.S.No.102 of 2009 measuring an extent of 2.62 Acres or thereabouts. The said property is morefully described in Item No.2 in the Schedule hereunder.

f. Mrs.Pappathi (the 4th Appellant in A.S.No.25 of 2013



and 1st Appellant in A.S.No.26 of 2013) agrees to vacate the house premises and also vacate all the tenants under her living in the premises situated in Item No.2 in O.S.No.102 of 2009 measuring an extent of 2.62 Acres or thereabouts, on or before 30-10-2022.

g. The Respondents will grant the above said Plot Nos.5 & 6, Srinivasa Nagar, Kunavelampatti Pudur, Kunavelampatti Post, Rasipuram Taluk, Namakkal District, measuring a total extent of 3,741 Sq.feet or thereabouts as well as the extent of 216 Sq.feet or thereabouts together with their title deeds, assign the right of way obtained by them for Item No.3 in O.S.No.102 of 2009 and the said full and final settlement payment of Rs.1Lakh to each of the Appellants, upon Mrs.Pappathi (the 4th Appellant in A.S.No.25 of 2013 and 1st Appellant in A.S.No.26 of 2013) and her tenants vacating and handing over to the Respondents vacant possession of the premises in Item No.2 in O.S.No.102 of 2009 measuring an extent of 2.62 Acres or thereabouts.

h. The parties hereto shall be entitled to own, possess and enjoy the respective properties allotted to them hereinabove, without any claim, disturbance or interference whatsoever from the other party.

i. The parties hereto shall take necessary steps to seek



return of the original documents marked in the Suits and handover the same to the respective parties to whom the properties have been allotted under the Settlement Agreement.

7. By signing this Agreement, the parties hereto state that they have no further claims or demands against each other with respect to the issues and differences arises between the parties in A.S.Nos.25 & 26 of 2013 and that all the disputes and differences in this regard have been amicably settled by the parties hereto through the process of Mediation/Conciliation.

8. The parties hereto state that the correct name of the Respondent in A.S.No.25 of 2013, who is also the 2nd Respondent in A.S.No.26 of 2013, is P.Balasubramaniam and not Balasubramani as incorrectly mentioned in the suits and the A.S. The parties therefore pray that the same may be taken on record by this Hon'ble Court.

9. The parties hereto agree to file this Settlement Agreement before the Hon'ble Court in the above A.S.Nos.25 & 26 of 2013 and pray that the said Appeals be decreed in terms of this Settlement Agreement.



A.S.Nos.25 and 26 of 2013

2. The Settlement Agreement, dated 24.06.2022 filed along with the

Civil Miscellaneous petitions says that the parties have no claims against each other.

3. In view of the above, the Settlement Agreement is recorded and it forms part and parcel of the order. Accordingly, the Appeal suits are disposed of as settled out of Court. Refund Court fee as per rules. Consequently, connected miscellaneous petition is closed.

24.06.2022

Index : Yes / No
Speaking or Non speaking order
vum

To

1. The Principal District Judge, Namakkal.

2. The Section Officer,
V.R. Section, High Court of Madras,
Chennai.

S.KANNAMMAL, J.



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CMP Nos.10123 and 10119 of 2022

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