



AS.No.279/2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AS.No.279/2018

[Hybrid Mode]

K.Ramachandran

.. Appellant

Vs.

1.J.Noor Jagan

2.Saffana

3.J.Akbar Ali

4.R.Rajendran

.. Respondents

Prayer:- Appeal Suit filed under Section 96 of CPC against the judgment and decree dated 11.10.2017 made in OS.No.343/2014 on the file of the learned IV Additional District and Sessions Judge, Coimbatore.

For Appellant	:	Mr.Karthik Ranganathan
For RR 1 to 3	:	Mr.B.Vijayakumar
For R4	:	Mr.M.N.Balasubramanian

JUDGMENT

(1) The appellant herein is the 1st defendant in the suit in OS.No.343/2014 on the file of the learned IV Additional District



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and Sessions Judge, Coimbatore. Respondents 1 to 3 in this Appeal Suit are the plaintiffs.

- (2) Respondents 1 to 3 as plaintiffs, filed the suit in OS.No.343/2014 on the file of the learned IV Additional District and Sessions Judge, Coimbatore, for partition of the suit schedule properties into two equal shares and for allotment of one such share to the plaintiffs and other share to the defendants. The other relief is for appointing a Commissioner to divide the suit properties by metes and bounds into two equal shares and to allot one equal share to the plaintiffs.
- (3) It is admitted that a preliminary decree was passed as prayed for and aggrieved by the same, the 1st defendant has preferred the above appeal.
- (4) During the pendency of this appeal, the parties have negotiated for a settlement. It is stated that the 4th respondent in the appeal is only a formal party as he was only a tenant in respect of a portion of the suit schedule property.
- (5) As regards the appellant and respondents 1 to 3 who are the 1st defendant and plaintiffs in the suit in OS.No.343/2014, it is stated that they have entered into a compromise. A Memorandum of



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Compromise dated 29.09.2021 jointly filed by the appellant and respondents 1 to 3 along with the Plan, is produced before this Court.

- (6) The Compromise Memo is signed by the parties and their respective counsels. The Memo dated 29.09.2021 shows that the parties have divided the property as per the plan which was appended to the Joint Compromise Memo. As per the said Memo, it is stated that the appeal may be disposed of in terms of the Memorandum of Compromise so that the parties can file an application for final decree on the basis of the Joint Compromise Memo.
- (7) The said Joint Compromise Memo dated 29.09.2021 is taken on file and record.
- (8) Recording the Joint Compromise Memo dated 29.09.2021, the Appeal Suit is liable to be dismissed. However, the division of properties as agreed by the parties as per the plan appended to the Joint Compromise Memo, is recorded.
- (9) Though the parties have requested this Court to direct the Trial Court to pass final decree based on the Memorandum of



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Compromise, this Court is of the view that the final decree can be passed by this Court if the parties agree for passing of final decree in terms of the Compromise Memo, to which, the learned counsels on either side agreed. The Joint Compromise Memo and the Plan appended thereto shall form part of the final decree.

- (10) Accordingly, the Appeal Suit stands **dismissed** confirming the judgment and decree dated 11.10.2017 passed in OS.No.343/2014 by the learned IV Additional District and Sessions Judge, Coimbatore. **There shall be a final decree in terms of the division of the suit schedule properties as per the plan appended to the Joint Compromise Memo dated 29.09.2021 filed by the appellant and respondents 1 to 3. No costs.**

03.02.2022

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Internet : Yes

To

1.IV Additional District and Sessions Judge
Coimbatore.

2.The Section Officer, VR Section, High Court, Chennai.

S.S.SUNDAR, J.,

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