



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

S.A.No.540 of 2016
and C.M.P.No.9745 of 2016

1.Sasikala
2.Jothi

... Appellants

Versus

1.Vedi
2.S.Lakshmi

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgment and decree dated 24.02.2016 made in A.S.No.3 of 2014 on the file of the III Additional District Judge, Vellore, Tirupattur, confirming the judgment and decree dated 07.01.2013 made in O.S.No.10 of 2006 on the file of the Subordinate Judge, Tirupattur, Vellore District.

For Appellants : Mr.S.Subbiah

For Respondents : Mr.R.Subramanian

JUDGMENT

When the matter is taken up for hearing, both the learned counsel appearing for the appellants as well as the respondents would submit that the dispute between the parties has already been settled amicably and they also filed a Joint Memo of compromise duly signed by the appellants as well as by the respondents along with



their respective learned counsel.

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2.Today both the parties are present before this Court. As per terms of the compromise, today the father of the 1st appellant has handed over the jewels of 10 1/4 soverns to the 1st appellant. With regard to other immovable properties are concerned, as per terms of compromise, the 1st respondent has agreed to give the 1st appellant's share.

3.The terms of the said Joint Memo of Compromise are extracted hereunder:

"1. The 1st appellant herein is the daughter of 1st respondent. The 2nd appellant is the wife of the 1st respondent, had died during the pendency of the above Second Appeal.

2. The appellants herein and Sarita have filed O.S.No.10 of 2006 on the file of Sub-Court, Tirupattur as against the respondents herein for partitioning the properties morefully described in the schedule to the plaint therein.

3. That the said Saritha, sister of the 1st appellant and daughter of the 2nd appellant & the 1st respondent had died during the pendency of the said suit.

4. That the aforesaid suit in O.S.No.10 of 2006 was dismissed on 07.01.2013 and the first appeal was preferred in A.S.No.3 of 2014 and the same was also dismissed vide decree



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and judgment dated 24.02.2016. As aggrieved by the dismissal of first appeal, the appellants herein had filed the above captioned S.A.No.540 of 2016.

5. That the 1st respondent herein had filed HMOP No.11 of 2006 before Sub Ordinate Court at Tirupattur for divorce as against the 2nd appellant herein and the said HMOP was allowed on 08.07.2013. As aggrieved by the same the 2nd Appellant had preferred CMA No.4 of 2013 on the file of IIIrd Additional District Judge at Tirupattur and the said appeal was allowed on 18.12.2015. Further the respondent had preferred CMSA No.25 of 2016 as aggrieved by the order passed in CMA No.4 of 2013 before this Hon'ble Court and the same was allowed by this Hon'ble Court vide judgment dated 26.04.2021.

6. It is clearly averred in the judgment passed in CMSA No.25 of 2016 that the appellant in CMSA, i.e., the 1st respondent herein, is directed to pay a sum of Rs.5 Lakh and also a residential property situated in Survey No.45/1B2 in favour of his daughter Sasikala, i.e., the 1st Appellant herein, instead of in favour of the respondent in CMSA, i.e., the deceased 2nd appellant herein.

7. That in order to give a quietus to the litigation the appellant & the respondents had come forward to amicably resolve the differences by way of entering into this joint compromise memo with the following terms and conditions:

i) That the 1st respondent herein has to comply with the judgment passed in CMSA No.25 of



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2016 wherein he was directed to pay a sum of Rs.5 Lakh to his daughter Sasikala who is the 1st appellant herein. In furtherance or which the 1st respondent herein had come forward to give jewels of value equivalent to the sum of Rs.5 Lakh and the 1st respondent herein had agreed to receive the said jewels in lieu of a sum of Rs.5 Lakh

ii) That as per the judgment passed in CMSA No.25 of 2016, the 1st respondent was directed to give the property situate in Survey No.45/1B2, measuring an extent of 0.01.5 hectare together with a house situated in Poonganur Village, Elagiri Hills, Tirupattur Taluk. The 1st respondent is stating that as he has submitted all the original title deeds in the.....Court Tirupattur, he is hereby handed over vacant possession along with photo copies of all original title deeds and Electricity Bills, House Tax Receipts revenue records pertaining to the said property to the 1st appellant herein on the date of execution of this joint memorandum of compromise.

iii) That the 1st respondent is hereby gives up all his right in respect of the property bearing Survey No.45/1B2, measuring an extent of 0.01.5 hectare together with a house situated in Poonganur Village, Elagiri Hills, Tirupattur Taluk and put the 1st appellant in absolute possession with clear title and further the 1st respondent would not make any claim in respect of the said property.



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iv) *That the 1st respondent herein had also come forward to hand over the properties comprised in Survey No.45/1B3 measuring 12 cents of land in Poonganur Village, Elagiri Hills, Tirupattur Taluk and the 1st respondent hereby hand over vacant possession of the property to the 1st appellant and further handed over photo copies of all the original title deeds and the revenue documents in respect of the said property on the date of execution of this joint compromise memo. Further the 1st respondent herein hereby expressly agreed that the 1st respondent would not make any claim in respect of the said property.*

v) *That the 1st respondent herein had agreed to hand over all that piece and parcel of land comprised in Grama Natham Survey No.41/6, measuring an extent of 33 sq.m. (square meter) together with a house situated in Ponganur Village, Elagiri Hills, Tirupattur Taluk to the 1st Appellant. The 1st respondent is hereby expressly agreed to cooperate for getting patta from the revenue officials and further come forward to assert that he would not make any claim in future after the execution of the joint compromise memo in respect of the aforesaid property.*

vi) *That the appellant also agreed to withdraw CMP No.3556 and 3557 of 2020 in MC No.2 of 2006 on the file of JM - III at Tirupattur.*



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vii) *That the 1st appellant admits that the schedule mentioned properties which are subject matter in OS. No.10 of 2006 are the absolute properties of the 1st respondent.*

viii) *That the appellant and the respondents herein seeking to dispose of the above captioned Second Appeal as per the terms of this joint compromise memo and the same may be forms part and parcel of the decree and judgment passed by this Hon'ble Court.*

ix) *That the respondents herein would co-operate to the 1st appellant in the process of registering the decree to be passed in the above captioned Second Appeal.*

x) *The 1st appellant state that she has no claim against the 1st respondent apart from the scheduled properties mentioned in this compromise order.*

xi) *This compromise memo may be taken on the file and the same may be recorded and orders be passed in the light of the aforesaid compromise memo.*

xii) *In case of any disputes that arise after the execution of this Compromise Memo the 1st respondent agrees to come forward to settle the disputes with his own cost and effort"*



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4. In view of the settlement arrived at between the parties, no further adjudication needs to be arrived in this appeal in respect of the grounds raised therein.

5. Accordingly, this Second Appeal stands disposed in terms of the Joint Memo of Compromise. Both parties shall bear their own costs. The Joint Memo of Compromise shall form part of the decree. Consequently, connected Miscellaneous Petition is closed.

28.11.2022

gbi

Index : Yes / No

Internet : Yes / No

To

1.The III Additional District Judge,
Vellore,
Tirupattur.

2.The Subordinate Judge,
Tirupattur,
Vellore District.



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KRISHNAN RAMASAMY, J.,

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