



C.R.P.No.3821 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.R.P.No.3821 of 2019
and
C.M.P.No.25118 of 2019

Santhi

.... Petitioner

vs

S.Vimala

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.04.2019 passed in I.A.No.19 of 2018 in O.S.No.61 of 2017 on the file of Additional District and Sessions Court (Fast Track Court) Arni, (O.S.No.7 of 2015 on the file of District Court, Thiruvannamalai).

For Petitioner : Mr.Mani.P

For Respondent : Mr.V.Manisekaran

ORDER

The respondent herein filed a suit in O.S.No.7/2015 against the petitioner herein and her daughters for partition and separate possession of



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3/4 share in the suit properties. The petitioner herein filed written statement and after filing proof affidavit of PW1, she found the Will executed by her father-in-law bequeathing the suit properties in favour of his two sons namely Thanigaivel and Palanivel excluding the daughters. Hence, the petitioner herein filed application in I.A.No.19 of 2018 seeking permission to file additional written statement which was dismissed by the Court below. Aggrieved by the said order, this Civil Revision Petition has been filed.

2. When the matter came before this Court on 12.08.2022, at request of both the parties, the matter was referred to Tamil Nadu Mediation and Conciliation Centre attached to this Court. Today, when the matter is taken up, the learned counsel appearing for both sides submitted that the matter has been settled between the parties before the Mediation and Conciliation Centre attached to this Court. The parties have also filed a Settlement Agreement dated 02.12.2022 before the Tamil Nadu Mediation and Conciliation Centre of this Court. Therefore, the learned counsel appearing for both the parties would further submit that this Civil Revision Petition may be disposed of in terms of the settlement arrived at between the parties.



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3.The Settlement Agreement dated 02.12.2022 was signed by the parties and duly attested by their respective counsel.

4. The terms and conditions of the Settlement Agreement dated 02.12.2022 entered into between the petitioner and the respondent before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, reads as follows:

“ a. The Petitioner and the respondent have agreed to partition the suit schedule properties as follows:

The respondent agrees for the allotment of the following properties to the petitioner namely Santhi and her two daughters namely Vidhyasree & Bhagyalakshmi and the petitioner accepts the same.

(i) Item.1 of the suit schedule property namely all that piece and parcel of the housing plot admeasuring 4824 sq.ft. or 448.15 sq.mt. comprised in survey Nos.102/1, 102/3 & 101/1 bounded on the North by Balakrishna Mudaliar and Deivasigamani Mudaliar Plot, South by Street, East by Duraiswamy Mudaliar Plot, West by MahadevAn Mudaliar Plot measuring North by 67 feet, South by 67 feet, East by 72 feet, West



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by 72 feet situated at Paingkinar Village, Cheyyar Taluk, Thiruvannamalai District, within the jurisdiction of Cheyyar Joint II SRO Office.

(ii) Item 3 of the suit schedule property namely all that piece and parcel of land and building at Old Door No.34/1, New Door No.40, Rettavadai Bhraminar Street alias Rajaji Street, measuring 3920 sq.ft. or 364.17 sq.mt. land together with building thereon comprised in grama natham survey No.27/1, Ward B, Block No.32, T.S.No.82 bounded on the North by Baby, Nadesa Mudaliar and Dhanapal Naidu properties, South by Rettavadai Bhraminar Street alias Rajaji Street, East by Item 2 of the suit schedule properties allotted to the respondent namely S.Vimala, West by Thandavarayan Land measuring North 140 feet, South 140 feet, East 28 feet and West 28 feet measuring 3920 sq.ft. or 364.17 sq.mt. situated at Paruthipuram Village, Cheyyar Taluk, Thiruvannamalai District, within the jurisdiction of Cheyyar Joint II SRO Office.

b) The petitioner agrees for allotment for following properties to the respondent namely S.Vimala and the respondent accepts the same.

i) Item 2 of the suit schedule properties namely vacant land measuring 3920 sq.ft. or 364.17 sq.mt. situated at Rettavadai Bhraminar Street alias Rajaji Street



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comprised in survey No.27/1, Ward B, Block No.32, T.S.No.82, Paruthipuram Village, Cheyyar Taluk, Thiruvannamalai District, Cheyyar Joint II SRO Office bounded on North by Baby, Nadesa Mudaliar and Dhanapal Naidu properties, South by Rettavadai Bhraminar Street alias Rajaji Street, East by land belonging to Arunachala Iyer, West by Item 3 of the suit schedule properties allotted to the petitioner namely Santhi and her 2 daughters namely Vidhyasree & Bhagyalakshmi within the jurisdiction of Cheyyar Joint II SRO office.

ii) Item 4 of the suit schedule properties namely Plot No.155, Sairam Nagar, Echhur Village, Cheyyar Taluk, Thiruvannamalai District, measuring 1200 sq.ft. or 111.48 sq.mt. comprised in survey No.430/5 bounded on the North by T.K.Viswanathan Road, South by Rani property, East by Punniyakotti Plot No.156, West by Deveraj Plot No.154, situated within the jurisdiction of Cheyyar Joint II SRO office.

c) The Petitioner and the Respondent agreed to register the above said settlement strictly in the form of partition deed as per the aforesaid allotment before the Cheyyar Joint II Sub Registrar Office within a month from the date of receipt of the order copy from the Registry of the Hon'ble High Court, Madras in the aforesaid CRP.



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7. *By signing this agreement, the parties thereto state that they have no further claim against each other with respect to O.S.No.61 of 2017 on the file of Additional District Court, Arani and all the disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Mediation.”*

7. Considering the submissions made on either side and in view of the settlement agreement filed by the parties, the Civil Revision Petition stands disposed of in terms of the Settlement Agreement dated 02.12.2022 entered into between the parties. The said Settlement Agreement dated 02.12.2022 shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

12.12.2022

Index: Yes/No
Speaking/Non-speaking order
vsi

To

1. The Additional District and Sessions Court
(Fast Track Court) Arni.



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Thiruvannamalai.



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J.NISHA BANU,J.

Vsi

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