

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : **04.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

A.S.No. 515 of 2017

M.Kuppuraj (died)

1. Kasthuri

2. Major S.Yazhini ... Defendants 1, 3 & 5/Appellants

Vs

1. K.Vijayakumar

2. R.Thillaikarasi ... Plaintiffs/Respondents 1 & 2

3. K.Rajeshkumar

4. S.Sumathi ... Defendants 2 & 4/Respondents 3 & 4

PRAYER: Appeal filed under Section 96 of the Code of Civil Procedure against the Judgment and Decree of the III Additional District Judge's Court at Salem dated 26.07.2017 in O.S.No. 103 of 2015.

For Appellants : Mr. P.Valliappan
for Mr. S.M.S.Shriram Narayanan

For Respondents : Mr. M.S. Gokul Raj

ORDER

C.M.P.No. 3389 of 2022 had been filed by the second appellant seeking to declare her as a major. Her application has been allowed by order dated 04.03.2022.

2. The parties have entered into a compromise.

3. The first appellant / Kasthuri, the second appellant/ S.Yazhini and the fourth respondent /S.Sumathi are present before this Court today ie., on 04.03.2022. The first appellant/Kasthuri is the mother of the second appellant and the fourth respondent.

4. The first appellant/Kasthuri is the wife of late Sureshkumar. Sureshkumar and the first, second and third respondents viz., K.Vijayakumar, R.Thillaikarasi and K.Rajeshkumar are brothers and sister.

5. The suit in O.S.No. 103 of 2015 had been filed by K.Vijayakumar and R.Thillaikarasi seeking partition and separate possession of the suit schedule properties. The suit had been decreed.

6. The third and fifth defendants are now prosecuting this Appeal.

7. Pending the Appeal, all the parties have entered into a compromise and a memo recording the terms of the same had been presented before this Court. The appellants, viz., Kasthuri and S.Yazhini and also the respondents, viz., K.Vijayakumar, R.Thillaikarasi, K.Rajeshkumar and S.Sumathi are all present before this Court today ie., on 04.03.2022. They have been enquired.

8. The terms of compromise indicate that the first appellant/Kasthuri had paid a sum of Rs.1.50 lakhs each to the respondents 1, 2 and 3, namely, K.Vijayakumar, R.Thillaikarasi and K.Rajeshkumar, by cash and all of them who are also physically present in Court have affirmed the receipt of the sum of Rs.1.50 lakhs each.

9. It is also affirmed that in view of the same, they are aware of the settlement deed dated 30.08.2013 registered as Document No. 3372 of 2013 in the Office of the District Registrar, Salem (West), which had been executed by M.Kuppuraj, father of Sureshkumar and the first, second and third respondents.

10. They also stated that they will not claim any right over the suit schedule property. It is also affirmed that the appellants and the fourth respondent shall have absolute right and title and possession of the property.

11. The memo had been read over. All the parties have signed the same. Necessary documents with respect to the identification have also been produced. Both the learned counsels have also signed the compromise memo.

12. The First Appeal is allowed in terms of the compromise memo and the Judgment of the trial Court granting partition is set aside. The memo of compromise shall form part of the decree. No costs.

04.03.2022

vsg

(2/2)

Index: Yes/No

Speaking order / Non speaking order

To:

1. III Additional District Court, Salem.

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

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C.V.KARTHIKEYAN, J.

Vsg

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