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IN THE HIGH COURT OF JUDICATURE AT MADRAS

TTHURSDAY THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

SA.No.780 of 2017

1.S.Mohan

2.S.Tamilarasu .. Defendants/Appellants/ Appellants

Vs.

M.Shanthi .. Plaintiff/Respondent/Respondent

Prayer:- Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree of the Court of the XVII Additional Judge, City Civil Court, Chennai dated 18.03.2016 made in AS.No.123/2015 confirming the judgment and decree of the Court of the VI Assistant Judge, City Civil Court, Chennai dated 30.01.2015 made in OS.No.7014/2008.

Decree : This Second Appeal coming on for hearing on this day upon perusing the grounds of Second Appeal the judgment and decree and material papers of the Lower Court and upon hearing the argument of Mr.V.Sankar, Advocate for the appellant and of Ms.P.Nisha Priyadharshini, Advocate for the Respondent and the parties herein having entered into a compromise between themselves and having filed into Court a Memo of Compromise requesting the Court to pass a decree in the appeal interms hereof and the Memo of Compromise duly signed by the parties and by their respective counsel upon perusing the grouns Second Appeal and the judgments and decee of the Lower Appellate Court and the Court of first instance and the material papers in the Suit and in the memo filed herein, this Court doth record the said Memo of Compromise, the original of which is recorded herewith and disposed of this Scond Appeal in terms of the Joint Memo of Compromise doth order and decree as follows:

1) that the parties do agree that the appellants herein/Defendants shall passed and enjoy the portion of the premises marked as the proposed passage, measuring an extent of 115 sqft and the proposed toilet, measuring an extent of 20 sq.ft., which are coloured in yellow and orange respectively, in the plan filed as Annexure herewith.



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The boundaries of the proposed passage as follows:-

North by : Thiruveethi Amman Koil Street
South by : Part of santhi's house and part of house of Mohan and Tamilarasu
East by : Santhi's huse and partly by proposed toilet
West by : Anbalagan's house.

The boundaries of the proposed toilet are as follows:-

North by : Thiruveethi Amman Koil Street
South by : Santhi's house
East by : Santhi's house
West by : 5 feet wide proposed passage

2) that the parties do agree that the respondent/plaintiff or any person claiming under her shall not interfere with the peaceful possession and enjoyment of the appellants in respect of the aforesaid proposed passage and proposed toilet, colored in yellow and orange respectively in the plan annexed herewith.

3) that the parties do agree that the appellants herein/Defendants shall possess and enjoy the aforesaid proposed passage and proposed toilet absolutely without any let or hindrance from the respondent or any other person claiming under her and the appellants can deal with the said extent of property in the manner as they wish to.

4) that the parties do agree that the respondent herein/plaintiff shall possess and enjoy the remaining extent of the suit premises measuring an extent of 941.50 sq.ft., marked in purple border in the plan annexed herewith.

The boundaries of the aforesaid remaining extent of the suit premises are as follows:-

North by : Thiruveethi Amman Koil street
South by : Janakiraman's house
East by : Thillai Natarajan's house
West by : Mohan and Tamilarasu' house and the proposed passage and the proposed toilet.



5) that the parties do agree that the appellants herein/defendants or any person claiming under them be and hereby is directed not to interfere with the respondent's peaceful possession and enjoyment of the aforesaid remaining extent of suit premises, marked in purple border in the plan annexed herewith.

6) that the parties do agree that the The respondent/plaintiff shall possess and enjoy the aforesaid remaining extent of suit premises, marked in purple border in the plan annexed herewith absolutely without any let or hindrance from the appellants or from any other person claiming under them, the respondent can deal with the said extent of property in the manner as she wishes to.

7) that there be no costs in this Second Appeal.

Sd/-

Assistant Registrar(CS-I)

//True copy//

Sub Assistant Registrar

To

1.The XVII Additional Judge
City Civil Court, Chennai.

2.The VI Assistant Judge
City Civil Court, Chennai.

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

+1cc to Mr.A.R.Sakthivel, Advocate SR.No.8581

+1cc to Mr.K.Hariskrishnan, Advocate SR.No.9132



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DATED : 10/02/2022

DECREE :

SA.No.780/2017

While disposed of the Second Appeal against the judgment and decree dated 18.03.2016 made in AS.No.123/2015 on the file of the XVII Additional Judge, City Civil Court, Chennai confirming the judgment and decree of the learned VI Assistant Judge, City Civil Court, Chennai made in OS.No.7014/2008 dated 30.01.2015 and ec., as stated within.

GMR (CO)
GMY (29/03/2022)