



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

O.S.A.No.302 of 2017
and C.M.P. No.18745 of 2017

Khadija Bai Fidahussain (since deceased)
Hazer Bai Fida Hussain MadraswalaMattoo (since deceased)

1. Sakina Bai Yusuf Bai,
2. Durriya Mohammed Eranpurwala
3. Samina Shabbir Dak
4. Alafiya Yousuf
5. Munira Shabbir Kera
6. Sakinga Mufazzal Kanchwala
7. Zumana Idris Patanwala

(Appellants 5 to 7 brought on record as LR's of the deceased
Hazer Bai Fida Hussain Madraswala Mattoo vide court
order dated 08.03.2022 made in C.M.P. Nos. 2451,
2454, 2455, 2456, 2459, 2460 & 2463 of 2022 in
OSA No.302/2017 and cause title amended vide order
of court dated 15.03.2022 made in CMP No.3768/2022 in
OSA No.302/2017) ...Appellants

Vs.

1. Huseini Bhai Salehbhai Mattoo
2. Siraj Bhai Salehbhai Mattoo
3. Mohamed Bhai Salehbhai Mattoo
4. Mannan Bhai Salehbhai Mattoo
5. Zaintun Y. Wadnagarwala
6. Gulsan Bai SalehbhaiMattoo
7. Nafisa Hashim
8. Zahra MK.

(R7 & R8 brought on record as LR's of the deceased
R5 viz., Jaitun Bai SalehbhaiMattoo vide court order
dated 08.03.2022 made in C.M.P. Nos. 2451,
2454, 2455, 2456, 2459, 2460 & 2463 of 2022 in



OSA No.302/2017 and cause title amended vide order of
Court dated 15.03.2022 made in CMP No.3768/2022 in
OSA No.302/2017)

...Respondents

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Original Side Appeal filed under Clause 15 of Letters Patent and Order 36 Rule 11 of Original Side Rules to set aside the order passed in Application No.2093 of 2017 in C.S.No..909 of 1999, dated 23.08.2017.

For Appellants : Ms. S. Rekha
for Mr.R.Parthasarathy

For Respondents : Mr. K. Ashok Chakravarthy- R1 to R4 and
R6 to R8
R5 - deceased

JUDGMENT

(Judgement of the Court was delivered by M.DURAI SWAMY, J.)

Learned counsel on either side submitted that the parties had settled the matter out of court and also entered into a joint memorandum of compromise on 20.08.2019. The learned counsel for the respondents also produced a memorandum of compromise dated 20.08.2019 which has been signed by the appellants and the respondents.

2. The learned counsel on either side submitted that the Original Side Appeal may be disposed of in terms of the memorandum of compromise dated 20.08.2019.

3. Accordingly, the Original Side Appeal is disposed of in terms of the memorandum of compromise dated 20.08.2019. The joint memorandum of compromise dated 20.08.2019 shall form part of the decree in O.S.A.No.302 of 2017. No costs. Consequently, the connected Miscellaneous Petition is closed.

(* Memo of Compromise Xerox Copies enclosed)

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

Rj



To

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The Sub Assistant Registrar
Original Side Section
High Court, Madras 104.

O.S.A.No.302 of 2017
and C.M.P. No.18745 of 2017

PA (CO)
SP (06/04/2022)