



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Twenty sixth day of July Two thousand and two

The Hon`ble Mr.Justice P.VELMURUGAN

AS (MD) . 149 / 2008

and

AS (MD) No.154 / 2008

AS (MD) No.149 / 2008

1. Tmt.R.Kanmani, D/o.V.M.Rakku, 12/338 (Ke-16) Thiruvalluvar Nagar, Paramakudi Taluk and Ramanathapuram District Now at 12/12/338, 3rd Cross St., Kamarajar Nagar, Paramakudi

2. M.Ravichandran, 12/338 (Ke-16) Thiruvalluvar Nagar, Paramakudi Tk and Ramanathapuram District Now at 12/12/338, 3rd Cross St., Kamarajar Nagar, Paramakudi.

... Appellants / Defendants 2 & 3

- Vs. -

1.Sankaran (Died)

2.V.M.Rakku, (Died),

3.S.Seshammal W/o, Late Sankaran,

4.Divya Pongi Selvi D/o, Late Sankaran, R3&4 are Residing At, 31, Lakshmipuram 8th Street, Madurai - 625 001.

... Respondents / Defendants

(2nd Respondents died, appellants have given up for R2, filed memo in USR No.1759 dated 27.03.2017 and recorded on 25.04.2017) [3rd Respondent and 4th Respondents brought as LR of the deceased first respondent as per order dated 22.02.2018)

Prayer in AS (MD) . 149/ 2008 :

Appeal Suit is filed under Section 96 of Code of Civil Procedure to set aside the judgment and decree dated 30.11.2007 made in O.S. No.56 of 2004 on the file of the Additional District Judge-cum-Fast Track Court, Ramnathapuram.

AS (MD) . 154 / 2008

1. Tmt.R.Kanmani, D/o.V.M.Rakku, 12/338 (Ke-16) Thiruvalluvar Nagar, Paramakudi Taluk and Ramanathapuram District Now at 12/12/338, 3rd Cross St., Kamarajar Nagar, Paramakudi

2. M.Ravichandran, 12/338 (Ke-16) Thiruvalluvar Nagar, Paramakudi Tk and Ramanathapuram District Now at 12/12/338, 3rd Cross St., Kamarajar Nagar, Paramakudi.

... Appellants / Defendants 2 & 3



- Vs. -

1. Seshaammal W/o, Late Sankaran

... Respondents / Plaintiff

2. V.M.Rakku (died)

... Respondents / Defendants

(2nd Respondents died, appellants have given up for R2, filed memo in USR No.1727 dated 27.03.2017 and recorded on 25.04.2017)

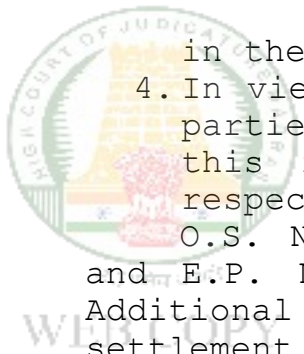
Prayer in AS(MD). 154/ 2008 :

Appeal Suit is filed under Section 96 of Code of Civil Procedure to set aside the judgment and decree dated 27.11.2007 made in O.S. No.55 of 2004 on the file of the Additional District Judge-cum-Fast Track Court, Ramnathapuram.

DECREE:-

These Appeals are having come up for final hearing on this date, in the presence of Mr.D.Senthil, Advocate for Appellants in both Appeals and Mr.R.Suriya Narayananan, Advocate for the contesting respondents, Appellants and third and fourth respondents herein having settled their differences and entered into compromise, requesting the court to pass a decree in the Appeal on the terms agreed between themselves through their respective advocates and having filed a joint compromise memo dated 11.07.2022, filed in the Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai, duly signed by the parties as well as by their Advocates, and upon perusing the grounds of appeal as well as the judgments and decrees of the Court below and the records relating to the case, this court while recording the memorandum of compromise and disposing the Appeal Suit, in terms thereof, doth order and decree as follows :-

1. That the Plaintiffs/Decree holder in O.S. No.56 of 2004, O.S. No.55 of 2004 and O.S. No.14 of 2004 on the file of the Additional District and Sessions Court, Fast Track Court, Ramanathapuram who are all the respondents in the above Appeal Suits are entitled to withdraw the entire deposited amount in the Suits with accrued interest. Apart from the above amount already deposited in the suit by the Appellants, now the Appellants have agreed to pay a sum of Rs.19,50,000/- (Rupees Nineteen Lakhs and fifty thousand only) as a full and final settlement towards above three suits and the Respondents/Plaintiffs are agreed to receive the same as full quit from the Appellants herein.
2. The agreed amount of Rs.19,50,000/- will be paid in three installments i.e.Rs.10,00,000/- (Ten Lakhs) on 11.07.2022, Rs.5,00,000/- (Five Lakhs) on 10.08.2022 and Rs.4,50,000/- (Four Lakhs fifty thousand) on 09.09.2022.
3. Today (11.07.2022) the Appellants handed over Demand Draft (AXIS Bank DD No.005716 623211102) for a sum of Rs.10,00,000.00



in the name of 3rd respondent herein.

4. In view of the above settlement entered between the above parties, the respective decree holders have agreed to record this full satisfaction before the executing court in their respective execution petitions in E.P. No.14 of 2008 in O.S. No.56 of 2004, E.P. No.13 of 2008 in O.S. No.55 of 2004 and E.P. No.30 of 2008 in O.S. No.14 of 2004 (on the file of Additional District Court, Paramakudi) after the compliance of above settlement as agreed above and the Execution Petitions are liable to be terminated by filing necessary memo before execution court by the Decree holders herein and the above settlement between the parties may be recorded and the appeals may be disposed in the above terms.

5. That there be no costs in this Appeal.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Additional District Judge,
Additional District Court-cum-Fast Track Court,
Ramanathapuram.

Copy to

The Section Officer, VR Section, Madurai Bench of
Madras High Court, Madurai. (2 copies)

+2 ccs to M/s.D.Senthil, Advocate in SR. No.33973 & 33974 / 2022

+2 ccs to M/s.R.Suriyanarayanan, Advocate in SR.33878 & 79/ 2022

AS(MD).No.149 of 2008

AS(MD)No.154 of 2008

ORDER DATED: 26/07/2012

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COMPROMISE DECREE

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Nature of Decree:- Disposing the Appeal Suit preferred against the judgment and decree of the Additional District and Sessions Judge, FTC, Ramanathapuram in A.S.No.56 & 55 of 2004 dated 30.11.2007, 27/11/2007 etc., as stated within.

KB(30.08.2022) 3P 8C