



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

A.S. (MD) No.278 of 2021

and

C.M.P(MD) .No.9425 of 2021

R.Balaji (died)

1.B.Radha Lakshmi

2.B.Sreenivas

3.B.Venkatesh

... Appellants/Lrs of the deceased Plaintiff

Vs

R.Gothai Kowsalya

... Respondent/Defendant

PRAYER: Appeal Suit filed Under Section 96 r/w Order 41 Rule 1 of the Civil Procedure Code, to set aside the judgment and decree made in O.S.No.135 of 2017 dated 10.09.2020 on the file of the Principal District Court, Tirunelveli, allow the appeal.

For Appellants

:

Mr.S.Kumar

For Respondent

:

Mr.S.Parthasarathi

J U D G M E N T

This Appeal has been preferred challenging the Judgment and Decree made in O.S.No.135 of 2017 dated 10.09.2020 on the file of the Principal District Court, Tirunelveli.

2. The joint compromise memo, dated 05.04.2022, filed by the parties, counter-signed by their counsel, is taken on record. The compromise memo has been explained to the parties and they were agreed the terms of compromise.

3. Considering the circumstance that the matter is settled between the parties, the Appeal Suit Appeal is partly allowed in terms of the memo of compromise filed by the parties. Accordingly, the preliminary decree passed by the learned Principal District Judge, Tirunelveli in O.S.No.135 of 2017 dated 10.09.2020 shall stands modified as mentioned in the Memo of Compromise.

4. In respect of A-Schedule property, both the parties agreed to workout their rights in the final decree proceedings pending in I.A.No.5 of 2021 on the file of the learned Principal District Judge, Tirunelveli.



5. The respondent agreed to pay 50% of the payment to the appellants by way of demand draft in the name of the first appellant on or before the 5th May, 2022.

6. The learned Principal District, Tirunelveli before passing final decree shall verify the compliance of the compromise memo filed before this Court. The parties also filed a compliance report before the lower Court.

7. The learned Principal District Judge, Tirunelveli to dispose of the final decree proceedings pending in I.A.No.5 of 2021 within a period of four months from the date of receipt of copy of this order. No Costs. The memo of compromise, dated 05.04.2022 shall form part and parcel of the decree. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tta

To

1. Principal District Court,
Tirunelveli.

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

+1 CC to M/s.S. KUMAR, Advocate (SR-16597[F] dated 05/04/2022)

A.S. (MD) No.278 of 2021
05.04.2022

SS(CO)
KB(02.05.2022) 2P 5C