



A.S.No.860 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM :

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

A.S.No.860 of 2009

and M.P.No.1 of 2009

S.Jayalakshmi

.. Appellant/Plaintiff

v.

G.Muthuswamy (since Deceased)

1. M.Kamala
2. M.Prakash
3. K.Vidhiya
4. G.Santha Ram
5. Malarkodi
6. P.Purushothaman
7. Kamalakannan alias Shagul Hamid
8. S.Sathiya .. Respondents/Defendants

Appeal Suit is filed under Section 96 of the Code of Civil Procedure, to set aside the judgment and decree passed in O.S.No.47 of 2004 dated 18.08.2007 on the file of the learned Additional District Judge, Namakkal (Fast Track Court, Namakkal) and thereby allow the appeal.

For Appellant

: Mrs.R.Hemalatha



A.S.No.860 of 2009

For Respondents : Mr.J.R.K.Bhavanantham &
Mr.K.Boopalan (For R1 to R4)

JUDGMENT

(Order of the Court was made by S.S.SUNDAR,J.)

Pursuant to reference to the Mediation and conciliation Centre, both parties appeared before the Mediation Centre and now reported that they have settled the dispute amicably.

2. The compromise memo dated 24.07.2023 signed by the parties as well as the learned counsel appearing for the appellant and respondents 2 and 3, is produced before this Court.

3. The learned counsel appearing on behalf of both sides represented that the memo of compromise may be recorded as a final decree in the suit in O.S.No.47 of 2004 on the file of the Principal District Court, Namakkal, in full and final settlement of all their title, right, interest and claim in respect of the suit schedule properties.

4. The learned counsel on either side also submitted that this Court



A.S.No.860 of 2009

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may pass a judgment and decree in terms of the memo of compromise.

5. Considering the submissions of the learned counsel on either side and recording the memo of compromise dated 24.07.2023, wherein the parties have agreed to certain terms in respect of the suit schedule properties, which are annexed to the compromise memo, the appeal in A.S.No.860 of 2009 is disposed of in terms of the compromise made on 24.07.2023, which shall form part of the decree.

6. Since the appellant has agreed to receive monetary compensation towards the value of his undivided share in all the suit properties by acknowledging the receipt of a sum of Rs.37,00,000/-, [Rupees Thirty Seven Lakhs], the entire properties which are settled hereunder and form part of the suit schedule, are allotted to respondents 2 and 3. The parties shall bear their respective costs. The Registry is directed to prepare the final decree in terms of the compromise memo dated 24.07.2023. Consequently, the connected Miscellaneous Petition is closed.



A.S.No.860 of 2009

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Index : yes/no

Neutral citation : yes/no
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(S.S.S.R.,J.)

(P.B.B.,J.)

18.10.2023



A.S.No.860 of 2009

S.S.SUNDAR,J.

AND

P.B.BALAJI,J.

ars

To

The Principal District Judge,
Namakkal.

A.S.No.860 of 2009

18.10.2023