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S.A. No. 1078 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No.1078 of 2011

and

M.P.No.1 of 2011 & C.M.P.No. 16869 of 2023

Varadarajan (died)

2. Mallika
3. Saraswathi
4. Jayalakshmi
5. Raja
6. Senthil Raja

(Appellants 2 to 6 brought on record as LR's of deceased 1st appellant viz., Varadarajan vide court order dated 09.03.2023 in C.M.P.No. 267 of 2021 in S.A.No.1078/2011)

... Appellants

Versus

Lakshmiamal (deceased)

(R2 recorded as LR of deceased 1st respondent vide order of court dated 21.07.2015 made in M.P. No.1 of 2015 in S.A.No.1078/2011)

2. Dhanam,
D/o. Kannappa Maistry

... Respondents



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Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree of the learned Principal District Judge, Chengalpattu dated 06.01.2011 in A.S.No.3 of 2010 confirming the judgment and decree of the learned Addl. Sub-Judge of Maduranthagam dated 01.09.2009 in O.S.No.126 of 2007.

For Appellants : Mr.V.Nicholas

For Respondents : Mr.S.Sriram for
Mr.K.Govi Ganesan for R1

Mr.N.Nithyanandam for R2

JUDGEMENT

Today, when the matter taken up for hearing, both the appellants 2 t 6 and the proposed legal heir/2nd respondent Dhanam, who is sister of deceased appellant Varadarajan appeared and submitted that after the demise of sole appellant Varadarajan, there was a compromise arrived between them at the advise of elder members. Accordingly, the 2nd respondent has agreed to receive a sum of Rs.10,00,000/- as one time settlement and she also agreed not to proceed with any civil proceedings



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with regard to the parent property of sole appellant/deceased Varadarajan.

To that effect, a Civil Miscellaneous Petition was filed to record the memo of compromise between the appellants 2 to 6 and 2nd respondent and prayed to pass a decree in terms of the said compromise in the above Second Appeal.

2. Recording the Memo of compromise arrived between the appellants 2 to 6 and 2nd respondent and on considering the submissions of 2nd respondent in open court that she has already received a sum of Rs.3,00,000/- on 18.01.2023 from the appellants 2 to 6 and agreed to receive the balance amount of Rs.7,00,000/- from them, which was paid in cash today. Accordingly, this Second Appeal is disposed of in terms of settlement. No costs. Memo of compromise entered between appellants 2 to 6 and 2nd respondent enclosed with the Civil Miscellaneous Petition in C.M.P.No. 16869 of 2023 shall form part and parcel of this decree. Consequently, connected Miscellaneous Petition is closed.

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To

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Principal District Judge,
Chengalpattu.



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T.V.THAMILSELVI, J.

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