



S.A. No. 810 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No. 810 of 2011

and

M.P.No. 1 of 2011

Rakkiyappan

.. Appellant

Versus

C.Ponnappan (died)

- 1 P.Perumal
- 2 P.Prithiviraj
- 3 P.Venkatachalam

(R2 & R3 to declare as major and discharge guardian 4th Respondent Mother viz. P.Chandra as per order dated 22.06.2017 made in C.M.P. Nos. 9180 9181 of 2017)

- 4 P.Chandra
- 5 Baggiam
- 6 Sengammal
- 7 Chandra
- 8 Jambu

... Respondents



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Prayer :- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree passed in A.S.No. 14 of 2009 dated 30.11.2010 on the file of Addl. District Court, (FTC No.II), Salem partly allowed the judgment and decree passed in O.S.No.29 of 2007 dated 06.01.2009 on the file of Sub-Court, Mettur in so far as the prayer for specific performance.

For Appellant : Ms.D.Sahithya for
Mr.M.Elango

For Respondents : R1 – died
No appearance – R6 & R8

Mr.P.Sivakumar for R2, R3, R4, R5
& R7

JUDGEMENT

Today, when the matter taken up for hearing, Rakkiyappan, appellant herein appeared along with his counsel. The 1st respondent in the suit viz.,



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C.Ponnappan died. The 1st respondent herein P.Perumal, who was bedridden and other respondents 2, 3, 4, 5 and 7 appeared along with their counsel.

Already this matter was referred to mediation and the report from the Mediation Centre is received. Before the Mediation and Conciliation Centre of this court, settlement was arrived amicably between the parties and a settlement agreement was executed by both parties. The copy of settlement agreement enclosed in the typed set of papers was perused.

2. As per the terms of settlement agreement, both parties have settled the issue and the respondents 2, 3, 4, 5 and 7 have agreed to settle the claim amount of Rs.11,50,000/- (Rupees eleven lakhs fifty thousand only). Accordingly, the appellant had received a part of the amount of Rs.1,50,000/- (Rupees one lakh fifty thousand only) on 11.08.2023 and they have agreed to pay remaining amount within a period of three months from the date of settlement agreement. So, after the said settlement, the charge created over the property is ordered to be removed. Accordingly, this Second Appeal is disposed of as per terms and conditions of Settlement Agreement. The said Settlement Agreement dated 11.08.2023 shall form



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part and parcel of the judgment. No costs. Consequently, connected

Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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To

1. Addl. District Judge,
Addl. District Court (FTC No.II) Salem.

2. Sub-Judge,
Sub-Court, Mettur.



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T.V.THAMILSELVI, J.

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