



S.A.No.751 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

S.A.No.751 of 2016

Chellammal	...	Appellant
	Vs.	
1.Parvathi		
2.Ganesan	...	Respondents

Prayer: The second appeal has been filed under Section 100 of C.P.C. against the judgment and Decree of the learned Subordinate Judge, Kallakurichi made in A.S.No.36 of 2013 dated 04.02.2014 modifying the Judgment and Decree of the Learned III Additional District Munsif, Kallakurichi made in O.S.No.371 of 2008 dated 21.03.2013.

For Appellant : Mr.N.Ramesh

For Respondent : Mr.J.Franklin
No.1

For Respondent : No appearance
No.2



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JUDGMENT

This second appeal has been filed against the judgment and Decree dated 04.02.2014 made in A.S.No.36 of 2013 by the learned Subordinate Judge, Kallakurichi, modifying the Judgment and Decree dated 21.03.2013 made in O.S.No.371 of 2008 by the learned III Additional District Munsif, Kallakurichi.

2.Both sides counsel are present and they filed a joint memo of compromise dated 17.10.2023, wherein, both the parties have stated that they entered into a compromise deed dated 02.11.2018 whereby the appellant/plaintiff had paid a sum of Rs.40,000/- to the 1st defendant and after receipt of the said amount, the defendants removed the encroachment over the disputed 60 sq.ft. and the appellant/plaintiff is in possession of the said 60 sq.ft. They also filed “Samaathana pathiram dated 02.11.2018” along with the memo of compromise before this Court today.



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3.In view of the memo of compromise filed by the learned counsel for the appellant/plaintiff as well as the 1st respondent /1st defendant and on the basis of the “Samaathana pathiram dated 02.11.2018”, this second appeal is disposed of and the memo of compromise dated 17.10.2023 filed by the appellant as well as the 1st respondent jointly shall form part and parcel of the decree. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Index : Yes/No

17.10.2023

Internet:Yes/No

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Copy to

- 1.The learned Subordinate Judge,
Kallakurichi.
- 2.The Learned III Additional District Munsif,
Kallakurichi.

C.KUMARAPPAN, J.



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