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S.A.No.145 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

S.A.No. 145 of 2017

and

C.M.P.Nos. 26929 of 2019, 3116 of 2017 & 21669 of 2023

N.Sheik Abdul Kadar (Died)

1. Aamina

2. Syed Noor Mohamed Jaffar Ali

3. Syed Noor Nisha

(By Power of Attorney agent 1st Appellant mother Aamina)

4. Syed Sheik Hammeed

...Appellants

Vs.

1.Mowlavi Rahamathulla

(By Power of Attorney agent 3rd respondent)

Thalpath Maraciar (died)

2.Sheik Maracair

3.Mohammatha Bivi

...Respondents

Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 28.03.2016 passed in A.S. 23 of 2011 on the file of the Second Additional District and Sessions Judge, Chidambaram



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dismissing the suit relating to item 1 in suit and confirming the judgment and decree dated 13.02.2006 passed in O.S. 13 of 2004 on the file the District Munsif-Cum-Judicial Magistrate, Portonovo.

For Appellants : Mr.R.Gururaj

For Respondents : Mr.R.Amizhdhu

J U D G M E N T

When the matter is taken up for hearing, the learned counsel appearing for the appellants and the respondents submit that the matter has been settled between the parties and the learned counsel for the appellants produced the Joint Compromise Memo dated 03.10.2023, signed/thumb impression affixed by appellants and respondents 2 and 3.

2.The appellants also filed the petition in C.M.P.No.21669 of 2023, to record the Joint Compromise Memo. The counsel for the respondents has no objection for allowing the same. Hence, this Court is inclined to allow the said petition.

3.The appellants as well as the 3rd respondent appeared before this Court through Video conferencing and acknowledged the compromise. The 1st



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respondent is represented by his power agent, the 3rd respondent. It is mentioned in the compromise memo that deceased 2nd respondent already sold his share to 1st respondent. The Joint Compromise Memo is counter signed by the learned counsel for the Appellants and the respondents by identifying the respective parties. Therefore, this Court is inclined to record the Joint Compromise Memo dated 03.10.2023.

4. Accordingly, C.M.P.No.21669 of 2023 is allowed and the Second Appeal is disposed of in terms of Joint Compromise Memo dated 03.10.2023, signed / thumb impression affixed by the appellants and the respondents 1 & 3. The Joint Compromise Memo shall form part of the decree. Consequently, connected miscellaneous petitions in C.M.P.No.26929 of 2019 and C.M.P.No.3116 of 2017 are closed. No costs.

03.10.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
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To

1. The Second Additional District and Sessions Judge,
Chidambaram.
- 2.The District Munsif-Cum-Judicial Magistrate,
Portonovo.

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03.10.2023