



A.S.(MD).No.203 of 2011

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD).No.203 of 2011

T.Jeyaraman

... Appellant

-Vs-

A.Suthanthiravalli

... Respondent

PRAYER: The Civil Miscellaneous Appeal is filed under Section 96 and Order XLI Rule 1 of the Code of Civil Procedure, against the judgment and decree dated 24.06.2011 on the file of the learned I Additional District Court, Madurai in O.S.No.41 of 2011.

For Appellant : Mr.T.Thirumurugan

For Respondent : Mr.V.Sakthivel

J U D G M E N T

This appeal has been filed challenging the decree and judgment of the trial Court, decreeing the suit filed by the wife as against the husband for declaration and recovery of possession.

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2. The suit property stands in the name of wife. On that basis, the suit has been laid. The defence taken by the husband to the effect that the property purchased by him in the name of his wife and the same has been negatived by the trial Court and the suit has been decreed. Now, challenging the same, the present appeal has been filed.

3. Before this Court, both the husband and wife viz., the appellant and the respondent are present and filed a Joint Compromise Memo stating that the husband can reside in the suit property till his life time without making any encumbrance in the name of sale, mortgage and release or other encumbrance and both sides also admitted the compromise and signed by them.

4. In such a view of the matter, the Memo of Compromise filed by the appellant is taken on record and the same shall form part of the decree and judgment and the decree of the trial Court granting declaration and recovery of possession is confirmed. Further, the appellant is permitted to reside in the suit property till his life time and he shall not make any encumbrance in the form of mortgage, sale, lease or charge etc.



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5. With the above observations, the Appeal Suit is disposed of. No costs.

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To

- 1.The I Additional District Court,
Madurai.
- 2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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