



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S(MD)No.193 of 2022
and
C.M.P(MD)No.8351 of 2022

S.Siyathu Bava :Appellant/Second respondent

.vs.

1.M.Salhabeevi :First Respondent/Plaintiff

2.S.Nabeezhzbeevi

3.S.Sheikabdulla

4.S.Rahamathunisha

5.S.Inulpasariya

6.M.Aayeeshamariyam

7.S.Naina Mohamed :Respondent 2 to 7/Defendants

PRAYER: Appeal Suit filed under Order 41 Rule 1 r/w Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No.57of 2013, dated 31.3.2021, partly dismissing the suit, on the filing of the Court of Principal District Judge, Sivagangai.

For Appellant

:Mr.T.Thirumurugan



WEB COPY



For Respondents 1 and 5	:Mr.V.K.Peter Rajan
For Respondent-2	:Mr.K.Vignesh Kumar
For Respondent-7	:Mr.J.Anandkumar
For Respondents 3,4 and 6	:No appearance

JUDGMENT

The appellant has filed this appeal suit challenging the decree granting partition.

2.When the matter is taken up for hearing today, the appellant is present and 7th respondent, who is none other than the brother of the appellant and the contesting respondent also present. The first respondent, who is the sister of the appellant also present. During the pendency of the appeal suit, the appellant and the respondents 1,2,5 and 7 have entered into a compromise to divide the properties equally between themselves and filed a memo to that effect incorporating the terms of compromise for partition stating that they will execute necessary deeds in future on the basis of the agreement, which is also placed before this Court. The parties have agreed to the terms of the memo. The parties have also agreed that there is no need for pursuing this appeal



WEB COPY

further. They have also agreed to effect partition between themselves by way of registered document. It is open to the parties to enforce the agreement to effect registered partition between themselves. The parties have also agreed before this Court that they will effect partition by way of registered document within a period of one month. The said memo is recorded.

3.In such view of the matter, the appeal suit is disposed of in terms of memo of compromise and the judgment of the Court below in O.S.No. 57 of 2013, dated 31.3.2021 is set aside. The memo shall form part and parcel of the record. No costs. Consequently, connected Miscellaneous Petition is closed.

07.06.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn

To

- 1.The Principal District Judge,
Sivagangai.
- 2.The Section Officer,,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



N.SATHISH KUMAR.,J.

vsn

JUDGMENT MADE IN
A.S(MD)No.193 of 2022
and
C.M.P(MD)No.8351 of 2022

07.06.2023