



A.S.(MD)No.57 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.09.2023

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

A.S.(MD)No.57 of 2016
and
C.M.P.(MD)No.3837 of 2016

1.S.A.Anbumuthu
2.Hema Malini
3.Meenalakshmi
4.Iswarya Nallu

...Appellants

/Vs./

K.Santhosh Kumar

...Respondent

PRAYER:- Appeal Suit - filed under Order 41 Rule 1 and Section 96 of the Civil Procedure Code to set aside the judgment and decree dated 15.09.2015 passed in O.S.No.37 of 2013 on the file of the learned Principal District Court, Pudukkottai.

For Appellants : Mr.Balasubramanian
for Ms.Prabha

For Respondent : Mr.D.Ramesh Kumar



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JUDGMENT

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(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

A memo of compromise dated 24.08.2023 is placed before us today, wherein the appellants / defendants and the respondent / plaintiff have agreed to the following terms:-

“MEMO OF COMPROMISE

1. It is submitted that the respondent filed a suit against the appellants in O.S.No.37 of 2013 before Principal District Judge, Pudukkottai, seeking the relief of [i] declaration that the respondent is the absolute owner of A schedule property and consequential relief of recovery of possession and handed over the vacant possession, [ii] past mesne profit and [iii] future mesne profit, [iv] mandatory injunction to hand over the original document in Document No.595/1994, dated 16.12.1994, the suit was decreed as prayed for on 15.09.2015.

2. It is submitted that aggrieved over the same, the appellants preferred the present appeal. During the pendency of the appeal, since the appellants and the respondent are relatives as per the intervention of family elders in order to give full quiets to the issue both parties are came up for the following settlement:

a. the respondent relinquished his title right and possession over the A schedule property and he further relinquished his right with regard to mesne profit as prayed in the suit and the respondent had no objection with regard to the document in the possession of the appellants [Document No.595/1994, dated 16.02.1994].

That the Appellants and the Respondent jointly pray that this Hon'ble Court may be pleased to



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record this compromise memo and set aside the judgment and decree in O.S.No.37 of 2013 before Principal District Judge, Pudukkottai, and pleased to allow the appeal in A.S.(MD)No.57 of 2016 pending on the file of this Hon'ble Court based on the compromise memo and thus render justice.”

2. All the parties are present in Court before us today. Learned counsel for the respective parties are also present as well. The memo of compromise dated 24.08.2023 is made part and parcel of this judgment and the same is recorded.

3. As a result of the memo of compromise, the judgment and decree dated 15.09.2015 in O.S.No.37 of 2013 on the file of the Principal District and Sessions Judge, Pudukkottai, is set aside and this Appeal suit is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [R.V.J.]
26.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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TO:

- 1.The Principal District Court, Pudukkottai
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

order made in
A.S.(MD)No.57 of 2016

Dated:
26.09.2023