



S.A.No.591 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.09.2023

CORAM

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.591 of 2002

1.T.Annammal
2.T.Jason

... Appellants

-VS-

1.Suganya Gnanasoundari
2.The Superintendent of Police,
(Railways),
Trichirappalli.
3.State of Tamil Nadu,
rep. by District Collector,
Trichirappalli.

... Respondents

PRAYER: Second Appeal filed under Section 100 Code of Civil Procedure against the Judgment and Decree dated 21.12.2001 made in A.S.No.3 of 2001 on the file of the I Additional Subordinate Judge, Tirunelveli partly reversing the Judgment and Decree dated 08.12.2000 made in O.S.No.487 of 1998 on the file of the Principal District Munsif, Tirunelveli.

For Appellants

... Mr.C.Kishore

For Respondents

... Mr.B.Jeyakumar for R1
Mr.A.Baskaran
Addl. Govt. Pleader for R3
No appearance for R2



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JUDGMENT

The second appeal is filed against the Judgment and Decree dated 21.12.2001 made in A.S.No.3 of 2001 on the file of the I Additional Subordinate Judge, Tirunelveli partly reversing the Judgment and Decree dated 08.12.2000 made in O.S.No.487 of 1998 on the file of the Principal District Munsif, Tirunelveli.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellant as well as the learned counsel appearing for the first respondent would submit that the disputes between the parties have been amicably settled and they filed a memo of compromise dated 27.09.2023. The terms of the settlement reads as follows:-

“(a) The 1st respondent herein agreed for the sanction and disbursement of entire 50% shares of the death cum retirement benefit of the deceased Rajasekar, to the 1st appellant herein and it shall be pay in its entirety to the 1st appellant herein.

(b) The 1st appellant and the 1st respondent herein mutually agreed to share family pension of the deceased Rajasekar, which shall be paid in two parts and the 1st part shall be paid to the 1st respondent herein, from the date of



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death of said Rajasekar i.e., on 21.12.1997 to the date of her remarriage i.e. on 08.02.2009 and the 2nd part shall be paid to the 1st appellant herein from March'2009 to till date.

c) That, there shall be no more claim by the 1st respondent on the death of the Elder son of the 1st appellant herein, namely, Mr. Rajasekar.

d) That, this terms of this settlement shall form part and parcel of the decree made in the present Second Appeal.

e) The parties agrees to a decree, as stated above in modification of the Judgment and decree dated 08.12.2000 of the learned Principal District Munsif Court, Tirunelveli, made in O.S.No.487 of 1998 on his file.

f) The parties agree that A.S.No.3 of 2001, on the file of the learned 1st Additional Subordinate Judge, Tirunelveli, shall stand modified, as stated herein, and the Judgment and decree in O.S.No.487 of 1998, on the file of the learned Principal District Munsif Court, Tirunelveli shall stand modified as stated herein.

g) The parties agree to suffer their respective costs.”

3. In the light of the above mentioned facts, this second appeal is disposed of in terms of the compromise memo dated 27.09.2023. The Memo of Compromise shall form part of the Decree. The appellants and the first respondent are directed to submit a representation to the official



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respondents for disbursement of the pensionary benefits of the deceased

Rajasekar along with a copy of this Judgement. On receipt of the representation, the official respondents are directed to disburse the pensionary benefits in terms of the compromise memo dated 27.09.2023 within a period of twelve weeks thereafter. No costs.

29.09.2023

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To:

- 1.The I Additional Subordinate Judge, Tirunelveli.
- 2.The Principal District Munsif, Tirunelveli.
- 3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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