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A.S.No.401 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

A.S.No.401 of 2011
and M.P.No.1 of 2011

P.A.Jayalakshmi

.. Appellant

Versus

1. M.Saradha
 2. P.G.Radhika
 3. P.G.Chitra
 4. P.G.Uma
 5. P.A.Viswanathan (Died)
 6. P.A.Parvathi (Died)
 7. P.A.Meenakshi
 8. P.A.Mangalam
 9. P.A.Baghyam
 10. Muthulakshmi
 11. Indira Ramanathan
 12. A.V.Alamelu
 13. A.V.Jayanthi
 14. A.V.Usha Kunhi Sankaran
 15. A.V.Sita
- .. Respondents

Respondent 10 brought on record as LR of deceased 5th respondent viz., P.A.Viswanathan & Respondents 11 to 15 are brought on record as LRs of deceased 6th respondent viz., P.A.Parvathi vide order of Court, dated 08.11.2022 made in A.S.No.401 of 2011



A.S.No.401 of 2011

Prayer : Appeal Suit filed under Order 41 R 1 and 2 read with Section 96 of Civil Procedure Code against the judgment and decree made in O.S.No.622 of 2004, dated 20.07.2010 on the file of the learned Additional District-cum-Sessions Judge (Fast Track Court No.2), Coimbatore.

For Appellant : Mr.J.Ramakrishnan

For Respondents : M/s.P.Veena Suresh, for RR-1 to 4
M/s.V.Anand, for RR-7 to 9
M/s.J.Pothiraj, for R10
M/s.M.Abirami, for RR-11 to 15

JUDGMENT

Today, when this matter is taken up in the chambers at 4.45 P.M, respondent Nos.4, 7 and 9 and the son of the appellant, *P.A.Jayalakshmi*, appeared physically. The appellant, *P.A.Jayalakshmi* and the other respondents appeared virtually.

2. Today, a joint compromise memo, duly signed by all the parties and the learned Counsel is filed. This Court examined each and everyone of the parties individually and also verified their identity. The appellant as well as the respondents have answered that they have read the contents of the joint memo of compromise, signed the said joint memo of compromise and understood its contents that shares in the suit property are allotted to some



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of them in the percentage mentioned therein and in respect of some persons, shares are not being allotted. By the compromise, the parties to whom shares are allotted have jointly agreed to sell the property and share the sale proceeds among themselves.

3. In that view of the matter, the suit is finally decreed by way of a composite decree in terms of the joint compromise memo. The terms of the joint compromise memo shall form part of the decree.

4. It is represented that the Court fee is not paid by some of the parties. Two weeks time from today is granted for payment of Court fee.

5. This Appeal Suit is disposed off accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.11.2022

Index : yes/no
Speaking/Non-speaking order
grs



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To

1. The Additional District-cum-Sessions Judge
(Fast Track Court No.2), Coimbatore.
2. The Section Officer,
VR Section, High Court of Madras.



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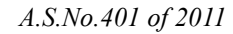
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grs

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Today, the matter is listed under the caption “For being mentioned”

2. Two mistakes have occurred in the cause title while typing out the judgment and decree in the suit. The correct name of the 1st respondent is Mrs.H.Saradha. Instead, it is mentioned as M.Saradha. The correct name of the 13th respondent is A.V.Jayanthi. Instead, it is mentioned as A.V.Jayanthi Balasubramaniam in the decree alone. It is seen from the records that already the said corrections was sought to be carried over and correction in the green ink was also made by this Court. However, the same has not been carried in the judgment and decree. Therefore, it is ordered that both in the judgment and decree dated 16.11.2022, the name of the 1st respondent shall be mentioned as H.Saradha and 13th respondent to be mentioned as A.V.Jayanthi and the same to be carried out in the judgment also.



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D.BHARATHA CHAKRAVARTHY, J.

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3. Registry is directed to carry out the corrections and issue fresh order copy to the parties within a period of one week from today.

08.04.2024

nr

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and
M.P.No.1 of 2011