



A.S.No.152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

A.S.No.152 of 2024

and

C.M.P.No.5502 of 2024

E.K.Sanjeevan

... Appellant

Vs.

1.Vijayalakshmi
2.M.C.Dharmaraj

... Respondents

Prayer : Appeal Suit filed under Section 96 r/w. Order XI Rule 1 of Code of Civil Procedure against the judgment and decree dated 03.11.2023 in O.S.No.134 of 2020 on the file of the Additional District Court, Krishnagiri.

For Appellant : Mr.T.S.Baskaran

For R1 : Mr.J.Pradeep



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J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

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The matter is listed today under the caption "for withdrawal".

2.It is represented by the learned counsel for the appellant and the 1st respondent that the 2nd respondent is only a formal party. Learned counsel appearing on both sides produced before this Court a Joint Memo of Compromise dated 16.11.2024. The Joint Memo of Compromise dated 16.11.2024 is signed by the parties in the presence of their respective counsels. Parties are present today. Their presence is acknowledged by the learned counsels representing them. As per the Joint Memo of Compromise, the parties have agreed to the following terms :

- i. *“Both Parties agrees that the Judgement and Decree passed in O.S.No. 134 of 2020 on the file of Addl District Court, Krishnagiri shall stand set aside and the above appeal in A.S.No. 152 of 2024 shall stand allowed.*
- ii. *The 1st Respondent/Plaintiff hereby agrees that she has no claim over the suit property forming the subject matter in O.S.No.134 of 2020 and that her interest has been fully settled outside the court.*



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- iii. *The 1st Respondent/Plaintiff hereby acknowledge the receipt amount paid by the appellant/1st Defendant towards full and final settlement of all her claim in the suit in O.S. No. 134 of 2020.*
- iv. *The 1st respondent/Plaintiff hereby agrees that she shall not make any claim over the suit property which the subject matter in O.S. No. 134 of 2020.*
- v. *The 1st Respondent/Plaintiff hereby admit and acknowledge that the Appellant/1st Defendant was the absolute owner of the suit property and she is giving up all her claim made in the suit property in O.S.No.134 of 2020.*
- vi. *The 1st Respondent/Plaintiff hereby confirms the Sale of suit property in favour of the 2nd Respondent/2nd Defendant by the Appellant/1st Defendant is valid and binding on the 1st Respondent/Plaintiff.*
- vii. *Both the Parties shall bare their own cost.”*

3.Learned counsel on either side requested that this Court may record the compromise memo and allow the Appeal by setting aside the judgment and decree dated 03.11.2023 passed by the learned Additional District Judge, Krishnagiri, in O.S.No.134 of 2020.



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4. Accordingly, the judgment and decree dated 03.11.2023 in

O.S.No.134 of 2020 on the file of the Additional District Court, Krishnagiri, is set aside and this Appeal is allowed in terms of the joint memo of compromise. The Joint Memo of Compromise shall form part of records.

No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (P.D.B., J.)
09.12.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

The Additional District Judge,
Krishnagiri.

S.S. SUNDAR, J.
and
P. DHANABAL, J.



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