



S.A.No.244 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.No.244 of 2023
and
C.M.P.No.7165 of 2023

S.Janaki

... Appellant

Vs.

M. Kamatchi Nadar

... Respondent

Second Appeal is filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree dated 30.11.2022 passed in A.S.No.71 of 2022 on the file of the Learned Sub Judge, Thiruvottiyur, reversing the judgment and decree dated 11.03.2016 passed in O.S.No.200 of 2006 on the file of the District Munsif Court, Thiruvottiyur.

For Appellant : Ms.M.Abbiraami

For Respondent : Mr.R.Krishnaswamy



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JUDGMENT

The learned counsel appearing for both sides would submit that the matter has been settled between the parties on 18.07.2024 before the Mediation Centre.

2. Both the counsels have filed a joint memo of compromise dated 19.07.2024 which has been signed by the parties and attested by the respective counsels. The terms of settlement entered into between the parties, are as follows:

A. That subject to the compliance of the terms agreed hereunder the Respondent hereby agree that the Respondent and all persons claiming through or under the Respondent shall not claim any manner of right or interest over the suit property and further undertakes not to interfere with the Appellant's peaceful possession and enjoyment of the suit property in any manner whatsoever.

B. That in furtherance of this settlement it is agreed that the Appellant shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the Respondent and that the Respondent also agreed and accepted to receive the same.



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C. That in consonance with the above settlement arrangement, the Appellant has this day paid a sum of Rs.1,00,000/- (Rupees One Lakh Only) as part payment of the agreed amount to the Appellant by way of Demand Draft which is drawn in the name of the Respondent bearing DD No.160060210 dated 18-07-2024 drawn on Indian Overseas Bank, Thiruvottiyur Market branch, the receipt of which sum the Respondent do hereby, agree and acknowledge.

D. That with regard to the balance amount it is agreed that 3 (three) months' time is granted to the Appellant from today i.e., from 18-07-2024 to 17.10.2004), that is to pay balance agreed amount or a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) to the Respondent in a single stroke by way of Demand Draft, which time sought by the Appellant is also agreed by the Respondent.

E. That it is agreed that the above said time of three months is agreed to be the essence of this compromise and as such the Appellant shall pay the above said remaining amount to the Respondent without a day default.

F. It is further agreed that in case if the Appellant



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fails, neglects to refuses to pay the said balance amount agreed to the Respondent then this compromise will become redundant, invalid and that the Respondent will be at liberty to evict the Appellant from the suit property in a manner known to law.

G. That it is hereby further agreed that this compromise is entered in to between the parties, without prejudice to the rights of the Respondent herein with regard to the remaining property owned by the Respondent, in respect portions of which properties, other legal proceedings are pending between the Respondent and certain other third parties.

H. That it is also agreed that the Respondent is entering into this compromise with the Appellant only, also in respect of the suit property only and as such the Respondent is not giving up his right to contend that the Vendor's Vendor of the Appellant of the suit property had or have no right and title to the remaining property owned by the Respondent.

I. That the terms of this compromise may be ordered to form part and parcel of the compromise decree to be passed in the above suit.



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J. That both parties may be directed to bear their own cost.”

3. The joint memo of compromise filed by the respective counsels for the parties is taken on record. As per the terms of settlement, a sum of Rs.9,00,000/- (Rupees Nine Lakhs) to be given by the appellant to the respondent is handed over to the counsel for the respondent by way of Demand Draft dated 23.10.2024 bearing No.505778.

4. In view of the settlement arrived at between the parties, this Second Appeal is disposed of as settled out of court. The joint memo of compromise shall form part of the decree. No costs. Connected miscellaneous petition is closed.

23.10.2024

raja
Index : yes/no
Internet : yes/no
Speaking Order / Non-Speaking Order

To



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1. The Sub-ordinate Court, Thiruvottiyur
2. The District Munsif Court, Thiruvottiyur.

RMT.TEEKAA RAMAN, J.

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