



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Thursday, the Seventh day of March Two Thousand and Twenty Four

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND
The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD). No.1095 of 2024
in
CMA(MD).No.609 of 2021

Mohamed Abu Backer
S/o.Hajee S.M.M.Mohamed Ibrahim Sanjay
Arcade 1st Floor Simco Metre Road,
K.K Nagar,Tiruchirappalli-620 001.

... Petitioner/ Appellant/ Accused

Vs

1 A.Mahmutha Begam
W/o.M.Mohamed Abu Backer

2 M.A.Nehmath Kubra
D/o.M.Mohamed Abu Backer

3 M.A.Haseena Thahsin
D/o.M.Mohamed Abu Backer

4 Minor.M.A.Sufiya Banu
D/o.M.Mohamed Abu Backer

5 Minor M.A.Aneeqah
D/o.M.Mohamed Abu Backer

(The Minors - 4 and 5 petitioners Represented by their mother and natural guardian,the 1 st Petitioner)

6 Swarnamalya

<https://www.mhc.tn.gov.in/judis>

...6th Respondent/2nd Respondent/
2nd Respondent



Prayer :-

Civil miscellaneous Petition filed under section 151 of C.P.C praying this court to Modify the order passed in 24.01.2024 in CMA(MD). No.609 of 2021 and CMP (MD). Nos.5891 of 2021 and 2719 of 2022 .

Prayer in CMA(MD). 609/ 2021 :

Civil Miscellaneous Appeal filed under Order XLIII,Rule 1(r) and Section 151 of Civil Procedure Code,praying this court to set aside the impugned order dated 20.04.2021 passed in IA No.2 of 2021 in OS No.17 of 2021 on the file of Family Court, Tiruchirappalli in respect of B and D Schedule properties and allow the IA No.2 of 2021 in OS No.17 of 2021 on the file of the Family Court, Tiruchirappalli in its entirety .

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. A.Thirumoorhty, Advocate for the Petitioner and of M/s. Shankar Murali, Advocate for the respondents, this Court made the following order:

After passing order on 24.01.2024 in the appeal, the respondent filed a petition for modification.

2. On perusing the prayer sought for in the modification petition, this Court was not convinced to entertain it. However, the counsel appearing for the respondent persuaded this Court that there is likelihood of settlement of dispute amicably by a compromise and therefore, frequently took adjournments to report settlement. However, today, a compromise memo, alleged to have been signed by all the parties, is filed before Court. This Court finds that the first respondent has agreed to settle a sum of Rs.12 crores to the appellants and has sought three years time to comply the compromise. This Court is not inclined to entertain such a preposterous request. Hence, the modification petition is dismissed. It is always



open to the parties, if at all they want to settle the matter in a fair manner, to report before the Court concerned, where the matter is pending. Since by filing the modification petition, the first respondent has delayed the matter further, hence, our order directing the Court below to dispose of O.S.No.17 of 2021 within a period of two months alone is hereby called back.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/03/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

The Judge,
The Family Court,
Tiruchirappalli.

+ 2 CC TO M/S.K.S.SANKAR MURALI,SR.2920,10569.

+ 1 CC TO M/S.A.THIRUMURTHY,SR.10682.

ORDER DATED : 07/03/2024

=====

ORDER

=====

CMP(MD). No.1095 of 2024

in

CMA(MD).No.609 of 2021

Giving direction and etc.
as stated within.

MGJ(22.03.2024) 3P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023

<https://www.mhc.tn.gov.in/judis>