



S.A.(MD).No.357 of 2022

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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.357 of 2022
and
C.M.P.(MD)No.4191 of 2022

1.Palaniyammal

2.Divya

3.Dinesh

... Appellants

/Vs./

Amthul Jabeen

...Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the decree and judgment, dated 11.01.2022, rendered in A.S.No.39 of 2021 on the file of the Principal District Judge, Ramanathapuram, confirming the decree, dated 11.03.2021, rendered in O.S.No.36 of 2015, on the file of the Subordinate Judge, Ramanathapuram.

For Appellants : Mr.A.Kannan

For Respondent : Mr.J.M.Hassanul Bazari



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JUDGMENT

The suit was filed for declaration and recovery of possession and the suit was allowed. Aggrieved over the same, the defendants preferred an appeal and the same was dismissed against which the present second appeal is preferred.

2. Pending second appeal, the parties have entered into compromise and have submitted a joint compromise memo before this Court. Therefore, this Court is recording the joint compromise memo. The joint compromise memo is extracted hereunder:



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IN THE HIGH COURT OF JUDICATURE OF MADRAS
MADURAI BENCH AT MADURAI

S.A.(MD) No. 357 of 2022

1. Palaniyammal
W/o.Late Rajapandi,
2. Divya,
D/o Late Rajapandi
3. Dinesh,
S/o. Late Rajapandi

All are residing at
No. 2/21Kannan North (Lane) Street,
Akil Kidangu Street,
Ramanathapuram.

----- Appellants

Vs.

Amthul Jabeen,
W/o. Liagath Ali Shahib,
No.21/1,Kannan North Lane,
Kader Pallivasal,
Ramanathapuram Ton,
Ramanathapuram Taluk & District.

----- Respondent.

COMPROMISE JOINT MEMO

1. It is submitted that, the above Respondent had filed a Suit in O.S.No.36 of 2015 on the file of Hon'ble Subordinate Judge, Ramanathapuram seeking for relief of declaration of Plaintiffs title over the schedule mentioned property and for the consequential relief of recovery of Possession and directing the Defendants/Appellants to hand over the vacant possession of scheduled property to the plaintiff and for cost of the suit. The above suit in O.S.No.36/2015 was decreed on 11-03-2021. As against the Decree and Jugement, the Appellants filed the 1st Appeal in A.S.No.39/2021 on the file of the Hon'ble Prl. District

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correct.

2nd of Palaniyammal

Amthul Jabeen

P. Dinesh



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Judge, Ramanathapuram on 15-06-2021 and the same was dismissed by Confirming the Judgement and Decree Passed in O.S.No.36/2015 dated 11-03-2021. Aggrieved over the said Decree & Judgement Passed in A.S.No.39 of 2021, the Appellants preferred the present Second Appeal in S.A.(MD)No.357 /2022 and the same is now pending before this Hon'ble Court.

2. It is submitted that, pending of the Second Appeal, on the intervention of the elders, family members and well wishers of both families, it is decided to settle the dispute amicably out of Court. Accordingly, to avoid the unnecessary litigations and to lead peaceful life, we decided to file Joint Compromise Memo before this Hon'ble Court on the following consented Terms.

3. It is submitted that, the Appellants and the Respondent have now arrived at a Compromise on the advice of both parties well wishers and with the consultation of both parties Counsels on Record that, **(1)** the Respondent Mrs. Amthul Jabeen, Wife of Liagath Ali Shahib has to Pay Rs.3,00,000/- (Rupees three Lakhs only) in cash/DD to the Appellants before 15-02-2024 as a final settlement and **(2)** on receipt of the amount of Rs.3,00,000/- in full , the Appellants has to vacate the Schedule mentioned premises on the same day and to hand over the Key to the Respondent and **(3)** to that , the Appellants has to file the COMPROMISE JOINT MEMO before the Hon'ble High Court to withdraw the Second Appeal as " Settled out of Court through Mediators " .

4. It is submitted that, in view of the above Compromise Settlement arrived outside of this Hon'ble Court in Second Appeal

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Corms:

[Signature] Lit. of Fakiripannal

[Signature] L. Amthul Jabeen

[Signature] R. S. Srineth.



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in S.A.(MD)No.357 /2022 , the Appellants prays before this Hon'ble Court to Refund Entire Court Fee Paid by the Appellants at the time of filing the above Second Appeal after having deductions if any and accordingly Orders may be passed in the Second Appeal .

It is therefore prayed that this Hon'ble Court may graciously be pleased to accept the Compromise Joint Memo arrived between the Appellants and the Respondent and accordingly may Dispose the Second Appeal and may pass further Order for the Refund of Entire Court Fee paid by Appellants and other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

Dated at Madurai on this the day of February 2024

 Lit of Palaniyandam

x L. Amrutha Jabeen

x 2070

x R. Dinah

APPELLANTS


Counsel for Appellants

RESPONDENT


Counsel for Respondent



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3. Hence, the second appeal is disposed of as per the terms of joint compromise memo. The appellants have already handed over the possession and keys to the respondent. The joint compromise memo shall form part and parcel of the judgment.

4. Since the second appeal had ended in compromise, the appellants are entitled to return of court fees.

5. Therefore, the second appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

Index : Yes / No

NCC : Yes / No

Tmg



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TO:

1. Principal District Judge, Ramanathapuram.
2. Subordinate Judge, Ramanathapuram.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Tmg

Judgment made in
S.A.(MD)No.357 of 2022

Dated:
15.02.2024