



WEB COPY



AS.No.190 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.08.2025**

CORAM

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

**AS.No.190 of 2021
and
C.M.P.No.8816 of 2021**

1. Munivenkatappa (deceased)
(P1 died as per memo dated 04.08.2025)

2. M.Chandran

3. M.Kumar

4. M.Munirathinamma

5. M.Gangamma

... Appellants /Defendants

Vs.

Vennkatamma

... Respondent / Plaintiff

PRAYER : First Appeal filed under Section 96 r/w. Order XI Rule 1 of Code of Civil Procedure 1908, against the judgment and decree dated 30.08.2019 made in O.S.No.13 of 2014 on the file of the Additional District Court, Hosur.

For Appellants : Mr.K.V.Shanmuga Sundaram
for M/s.AAV Partners

For Respondent : Mr.S.Senthil



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J U D G M E N T

Unsuccessful defendants have filed the present appeal challenging the judgment and decree dated 30.08.2019 passed in O.S.No.13 of 2014 on the file of the Additional District Court, Hosur.

2. Suit is filed for partition directing the first defendant to divide the suit property into two equal shares and allot one such share to the plaintiff and put her in separate possession; failing which, by permitting her to get her legal half share of suit land through the process of law in final decree proceedings; declaring that the bogus gift deed dated 18.10.2013 in favour of the third defendant created by other defendants is null and void and not binding on the plaintiff; declaring that the bogus gift deed dated 18.10.2013 created by the third defendant in favour of the second defendant is null and void and not binding on the plaintiff; and granting permanent injunction to restrain the defendants from in any way alienating the suit land till a legal partition is effected. The trial Court decreed the suit, aggrieved by which, the defendants have preferred the present appeal.



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3. Heard the learned counsel on either side.

4. The learned counsel appearing for the appellants/defendants would submit that the first appellant/first defendant viz. Munivenkatappa died on 07.11.2021 and to that effect, a memo has been filed and the same is recorded.

5. The learned counsel appearing for both sides would submit that the parties have settled their issues amicably and a joint memorandum of compromise has been filed before this Court. The joint memorandum of compromise dated 04.08.2025, is extracted hereunder:

***"JOINT MEMO OF COMPROMISE FILED BY THE
APPELLANTS AND THE RESPONDENT***

The parties humbly submits as follows:

01. It is submitted that, the Appellants had filed the present Appeal against the Respondent praying to set aside the Preliminary Decree dated 30.08.2019 passed by the Learned Additional District Judge, Hosur.

02. It is submitted that, the 1st Appellant died on 07.11.2021 while pending litigation of the present Appeal.

03. It is submitted that, thereafter, the Appellants 2 to 5 and the Respondent, upon mutual discussions, had



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expressly agreed and arrived at an amicable settlement in terms of the Settlement Agreement dated 09.06.2025. The same is annexed herewith and the same shall be read as part and parcel of this Joint Compromise Memo.

04. It is submitted that, obligations to be fulfilled by the Appellants 2 to 5 as well as the Respondent in terms of the Settlement Agreement dated 09.06.2025 were extracted hereunder:

"1. The PARTIES OF FIRST PART shall collectively pay a sum of Rs.2,50,000/- to the PARTY OF SECOND PART, by way of cash, towards the full and final quit settlement of all claims with respect to the Schedule Property.

2. Upon signing this Settlement Agreement, the PARTIES OF FIRST PART shall withdraw the A.S.No.190 of 2021, which is pending before the Hon'ble Madras High Court which is against the PARTY OF SECOND PART.

3. Upon signing this Settlement Agreement, the PARTIES OF FIRST PART shall withdraw the O.S.No.50 of 2022, which is pending before the Learned District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District, which is against the PARTY OF SECOND PART.

4. THE PARTY OF SECOND PART has agreed to the following conditions of the Settlement



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Agreement:

a) The PARTY OF SECOND PART, upon receiving a sum of Rs.2,50,000/- from the PARTIES OF FIRST PART, agrees to relinquish / give up her rights over the Schedule Property, by signing this Settlement Agreement.

b) The PARTY OF SECOND PART shall acknowledge the receipt of receiving a sum of Rs.2,50,000/- on the date of signing this Settlement Agreement.

5. Further, it is agreed between the PARTIES OF FIRST PART and the PARTY OF SECOND PART that, there is no other claims against each other and the PARTY OF SECOND PART will not have future recourse over the "Schedule Property".

6. In case of default by any of the parties herein, the terms of the Settlement shall stand nullified and not given effect to.

7. The Settlement Agreement is taken as 3 sets of original which has been handed over to the PARTIES OF FIRST PART and the PARTY OF SECOND PART respectively, 3rd set is to be filled before the Honourable High Court, Madras."

05. It is submitted that, the terms and conditions of the Settlement Agreement dated 09.06.2025 were read out and explained to the parties therein in the language known



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to them and thereafter, the Settlement Agreement dated 09.06.2025 were signed by the Appellants 2 to 5 and the Respondent.

06. It is submitted that, the Appellants 2 to 5 and the Respondent confirm that the above terms and conditions of the Settlement have been arrived at voluntarily, on their own volition and without any force."

In view of the compromise arrived at between the parties, the compromise decree is passed in terms of the joint memorandum of compromise filed by the parties dated 04.08.2025 and the same shall form part and parcel of the decree. Accordingly, the First Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2025

Index : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No
vji

Note: Registry is directed to carry out the amendment in the cause title.



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To

The Additional District Judge,
Additional District Court, Hosur.



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M.JOTHIRAMAN, J.

vji/nsd

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