

Saraswathi (Dead) By Lrs. vs S. A. Palanisamy on 7 February, 2024

Author: C.T. Ravikumar

Bench: Rajesh Bindal, C.T. Ravikumar

2024 INSC 153

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.5184/2011

SARASWATHI (DEAD) BY LRS. & ORS.

VERSUS

S.A. PALANISAMY & ORS.

J U D G M E N T

C.T. Ravikumar, J.

1. The captioned appeal is directed against the judgment and order date 23.10.2008 in AS No.1397/1994 passed by the High Court of Judicature at Madras, setting aside the judgment and decree dated 30.09.1994 passed by the II Additional Sub Court at Coimbatore in O.S. No.22/1986.
2. Heard Ms. V. Mohana, learned Senior Counsel appearing for the appellants as also the learned counsel appearing for the respondents.
3. Pending the appeal, the parties themselves have settled the matter imbibing the spirit of the suggestion in that regard by this Court and produced a Settlement Agreement dated 05.10.2023. The same, produced along with their affidavits in I.A. No.216386/2023 dated Date: 2024.03.01 10:52:44 IST 15.10.2023, is taken on record. The parties have also Reason:

appeared before us through virtual mode. They would endorse the factum of Settlement of dispute involved in the instant case. Obviously, the Settlement Agreement would reveal that all the parties have put their signatures in it before the Trial Court pursuant to the order of this Court dated 29.11.2023.

4. In terms of the Settlement Agreement, the appellants have to hand over a “No Objection Certificate” as envisaged under Clause (6) of the terms of the Settlement Agreement. The period fixed therefor had already elapsed. The learned counsel for the respondents, on instructions, would

submit that period prescribed therefor in terms of the Statement of Agreement can be extended by two months from today. We have also interacted with the parties and Mr. Karthik representing their side would fairly consent for granting extension of the period prescribed in Clause (6) for the aforesaid purpose, two months from today. In the said circumstances the said clause, will stand modified only regarding the period prescribed and by granting extension of time for the aforesaid purpose, by two months from today. Since the parties are close relatives and further taking note of the fact that the financial liabilities have been fulfilled in terms of the Settlement Agreement dated 15.10.2023, we are of the view that the impugned judgment and decree in AS No.1397/1994 and the judgment in O.S. No.22/1986 are liable to be set aside. Accordingly, they are set aside. It is made clear that hereafter, the parties will be bound by the terms and conditions in terms of the Settlement Agreement dated 05.10.2023. The Registry shall draw a decree in terms of the Settlement Agreement dated 05.10.2023 and based on this judgment. In view of this, final decree is to be drawn by this Court, the proceedings pending before the II Additional Sub Court at Coimbatore in relation to the execution of the decree in O.S. No.22/1986 stands closed. To update the proceedings of the Court of II Additional Sub Court at Coimbatore, a copy of this Order shall be forwarded to the Court.

5. The Civil Appeal is disposed of, as above.

6. Pending application(s), if any, shall stand disposed of.

.....,J.

(C.T. RAVIKUMAR)J.

(RAJESH BINDAL) NEW DELHI;

FEBRUARY 07, 2024.