

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.07.2023

CORAM

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

S.A(MD)No.619 of 2013

and

M.P(MD)No.3 of 2013

R.Krishnaveni

... Appellant

-vs-

P.Ramasamy Gounder (died)

1.M.Ramasamy Gounder

2.R.Dhandapani

... Respondents

PRAYER: Second Appeal filed under Section 100 Code of Civil Procedure against the Judgment and Decree dated 07.07.2011 made in A.S.No.65 of 2009 and Cross Objection No.75 of 2009 on the file of the Principal Sub Judge, Karur reversing the Judgment and Decree dated 21.07.2009 made in O.S.No.555 of 2007 on the file of the Principal District Munsif, Karur.

For Appellant

... Mr.R.Naresh Kumar

For Respondents

... Mr.Vashik Ali (for R2)

JUDGMENT

The second appeal is filed to set aside the Judgment and Decree dated 07.07.2011 made in A.S.No.65 of 2009 and Cross Objection No.75 of 2009 on the file of the Principal Sub Judge, Karur reversing the Judgment and Decree dated 21.07.2009 made in O.S.No.555 of 2007 on the file of the Principal District Munsif, Karur.

2.When the matter is taken up for hearing today, the learned counsel appearing for the appellant as well as the learned counsel appearing for the second respondent would submit that the disputes between the parties have been amicably settled and they filed a joint memo of compromise dated 26.07.2023. The joint compromise memo reads as follows:-

“a) The appellant/R.Krishnaveni and the 2nd respondent herein/R.Dhandapani are sister and brother. It is hereby admitted that P.Ramasamy Gounder who is grandfather of the R.Krishnaveni/Appellant/Plaintiff and R.Dhandapani/2nd Respondent/3rd Defendant executed a settlement deed dated 24.10.2005 vide Doc.No.798/2005 before the Sub Registrar, Chinnatharapuram in favour of R.Dhandapani/2nd Respondent/3rd Defendant is true and valid. The grandfather namely, P.Ramasamy Gounder died on 25.10.2009.

b) In pursuant to the settlement deed dated 24.10.2005, R.Dhandapani/2nd Respondent/3rd Defendant mutated all the revenue records and obtained patta in his favour in Patta Nos.469, 471, 472, 742, 743 in Monjanur Village and in possession and enjoyment of the same.

c) It is agreed between the parties that the suit schedule properties in O.S.No.555 of 2007 on the file of the Principal District Munsif Court, Karur is exclusively belongs to R.Dhandapani/2nd Respondent/3rd Defendant and the parties are willing to execute a partition deed with respect to the same by allotting the suit schedule properties to R.Dhandapani/2nd Respondent/3rd Defendant and by allotting another property in S.No.134, New S.No.134/C to an extent of 2.93 acres and Patta No.18 in Ellaikadu Ramachandrapuram Village, Pugaloor Taluk, Karur District in favour of R.Krishnaveni/Appellant/Plaintiff.

d) It is agreed between the parties that except the above said terms, the parties or their lineal descendants will not have any claim with respect to other properties in future.

e) The Appellant herein/Plaintiff agreed to settle the main second appeal in S.A(MD)No.619 of 2013 pending before this Hon'ble Court, in view of the above said terms of compromise. This may form part of the decree.”

3.In the light of the above mentioned facts, this second appeal is disposed of in terms of the compromise memo dated 26.07.2023. The Joint Memo of Compromise shall form part of the Decree. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2023

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To:

- 1.The Principal Sub Judge, Karur.
- 2.The Principal District Munsif, Karur.
- 3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

S.A(MD)No.619 of 2013

KRISHNAN RAMASAMY, J.

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and
M.P(MD)No.3 of 2013

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