



SA No. 941 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

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CORAM

**THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

SA No. 941 of 2019

AND

CMP NO. 20063 OF 2019,CMP NO. 3852 OF 2020

1. Dr.Shobana Subramani
W/o. K.R. Subramani, Alports ,
Kotagiri Post, -17, Nilgiris Dist

2.K.R. Subramani
W/o. Late K.Subramanian, 41/21d-3,
Rose View, Near Kambai Kadai,
Kotagiri -17

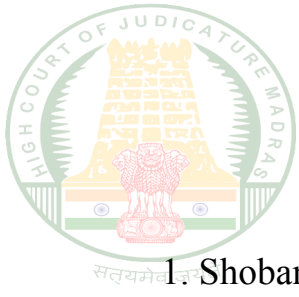
Appellant(s)

Vs

1. Chithra
W/o. Late K. Subramanian, 41/21d-3,
Rose View, Near Kambai Kadai,
Kotagiri-217

2.P.A. Nandhi
S/o. Ajja Gowder, Pudumund,
Naduhatty Village, Nihung Post,
Kotagiri , Nilgiris Dist

Respondent(s)



CMP No. 20063 of 2019

1. Shobana Subramani

W/o. K.R. Subramani, Alports ,
Kotagiri Post, -17, Nilgiris Dist

2.K.R. Subramani

W/o. Late K.Subramanian, 41/21d-3,
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Appellant(s)

Vs

1. CHITHRA

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Respondent(s)

CMP No. 3852 of 2020

1. CHITHRA

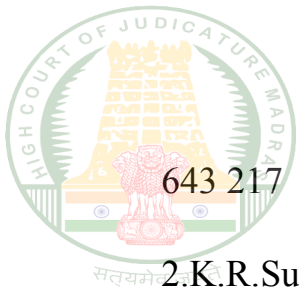
W/o. Late K. Subramanian, 41/21d-3,
Rose View, Near Kambai Kadai,
Kotagiri-643 217 Nilgiris District

Appellant(s)

Vs

1. Shobana Subramani

Alports Kotagiri Post, Nilgiris District



643 217

2.K.R.Subramani

WEB COPY S/o Late Rama Gounder, Alports
Kotagiri Post, Nilgiris District 643 217

3.P.A.Nandhi

S/o Ajja Gouwder, Pudumund,
Naduhatty Villag, E Nihung Post,
Kotagiri, Nilgiris District 643 217

Respondent(s)

SA No. 941 of 2019

PRAYER

To set aside the judgment and decree of the learned sub judge Coonoor District 29/08/2018 passed in As No.10/2018 confirming the judgement and decree of the learned Dist Munsif Kotagiri dated 17/04/2017 passed in O.S. No.59/2008

CMP No. 20063 of 2019

PRAYER

To stay all further proceedings pursuant to the judgment and decree District 17/04/2017 in O.S. No.59/2008 on the file of the District Munsif Court Kothagiri as confirmed by the judgement and decree dated 29/08/2018 in A.S No.10/2018 on the file of the Sub Court Coonoor pending disposal of the above SA.

CMP No. 3852 of 2020

PRAYER

To vacate the stay granted in CMP No.20063 of 2019 in SA No.941 of 2019 in SA No.941 of 2019 on 23-09-2019



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SA No. 941 of 2019



SA No. 941 of 2019

For Appellant(s): M/s J.Antony Jesus

For Respondent(s): M/s.M.B.Dominique For R1
No appearance for R2

ORDER

This petition has been filed to set aside the judgment and decree of the learned Sub Judge, Coonoor dated 29.08.2018 passed in A.S.No.10 of 2018 confirming the judgement and decree of the learned District Munsif Kotagiri dated 17/04/2017 passed in O.S. No.59 of 2008.

2. A joint Memo is filed by the learned counsel for the appellant and the respondents along with Memorandum of Compromise dated 29.07.2025 entered into between the parties. The terms of the Memo of compromise were read over to the involved parties, and they accepted the same. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The parties admit their signatures in the Compromise agreement. The scanned reproduction of the joint memorandum of compromise is as hereunder:



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SA No. 941 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS
S.A. No.941 OF 2019

1. Dr. Shobana Subramani
2. K.R. Subramani
Vs. ... Appellants

1. Smt. Chithra
2. P.A. Nandhi ... Respondents

Memo of Compromise filed by Appellants and the 1st Respondent

The appellants have filed the above Second Appeal against the Judgment and Decree of the learned Subordinate Judge, Coonoor dated 29.8.2018 passed in A.S. No.10/2018 confirming the Judgment and Decree of the learned District Munsif, Kotagiri, dated 17.4.2017 passed in O.S. No.59/2008.

The 1st respondent is the plaintiff in the suit. The 2nd respondent was the 1st defendant in the suit and he remained exparte all through the O.S., A.S. and the above Second Appeal.

The appellants and the 1st respondent have arrived at the following settlement.

1. The 1st respondent agrees to give up her claim for pathway regarding Clause 4 of the Decree in O.S. No.59/2008, on the file of the District Munsif Court, Kotagiri. The 1st respondent declares that she or her legal heirs will not claim any right of pathway through the property purchased by the appellants.

[Signature]
(Dr. Shobana)

[Signature]
(K.R. Subramani)

N. Chithra



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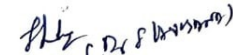
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2. Regarding 1.75 cents described ⁱⁿ the suit A Schedule property, the appellants and the 1st respondent have agreed that the 1st respondent shall be entitled to 1 ¼ cents and the 2nd appellant shall be entitled to the remaining ½ cent. Thus, the 2nd appellant shall be entitled to ½ cents adjoining his property and the 1st respondent shall be entitled to 1 ¼ cents adjoining her property. Accordingly, the 1st respondent shall be entitled to get possession of her 1 ¼ cents out of 1.75 cents in the suit A Schedule property. The appellants have agreed to give possession of the said 1 ¼ cents to the 1st respondent within 3 months from today.

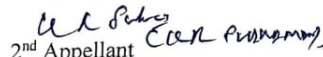
3. Regarding Clause 3 of the Decree in O.S. No.59/2008, on the file of the District Munsif Court, Kotagiri, regarding Amendment Deed for amendment of boundaries, to be executed by the 1st respondent, the ^{same} shall be executed in so far as 4 ½ cents out of 5 cents described in suit B Schedule property. The appellants shall be entitled to remaining ½ cent in suit B Schedule property.

It is therefore prayed that this Hon'ble Court may be pleased to pass a Judgment and Decree in the above Second Appeal in terms of the above Memo of Compromise and thus render justice.

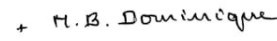
Dated at Madras, this the 3rd day of April 2024.


1st Appellant


1st Respondent


2nd Appellant


Counsel for Appellants


Counsel for 1st Respondent

3. The said joint memorandum of compromise has been signed by both parties and counter signed by their respective counsel. The appellant namely

Dr. Shobana Subramani was present before us in the physical Court, whereas,



the respondent namely Chithra, appeared through Video conferencing and the parties identified each other and also the parties were identified by their respective counsel. After interacting with the parties, I am satisfied that the parties have voluntarily entered into joint memorandum of compromise. Hence, I am inclined to accept it.

4. In view of the above, this Second Appeal decreed in terms of memo of compromise and the same shall form part and parcel of the decree. Consequently, connected miscellaneous petitions are closed. No costs.

29-07-2025

vsn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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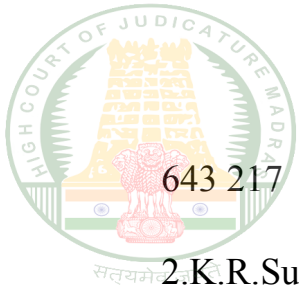
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Alports Kotagiri Post, Nilgiris District



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**K.GOVINDARAJAN
THILAKAVADI J.**

vsn

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AND CMP NO. 20063
OF 2019,CMP NO. 3852
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