

SA(MD). No.40 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15/07/2026

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

SA(MD). No.40 of 2017

S.Arumugam (Died)

... 1st Defendant/1st Appellant

1.A.Bharathi

2.Alamelu

3.Kalaiyarasi

... Third Parties/Appellants

Vs

1.A.Thirumeni Narthevar (Died)

... Plaintiff/Respondent/Respondent

2.A.Senthilkumar

... Third Party/Respondent

3.Kumuthavalli

4.Murugaramsing

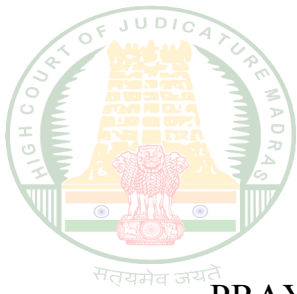
5.Baskaran

[R3 to R5 are brought on record as LR's of the deceased 1st respondent vide order dated 21.06.2024 made in CMP(MD)Nos.7668, 7669 and 7672 of 2024]

6.Senthilkumar

[R6 is also brought on record as LR of the deceased 1st respondent vide order dated 15.07.2024 in CMP(MD)No.8713 of 2024]

... Respondents



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PRAYER :-

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Second Appeal filed under Section 100 of Civil Procedure Code, against the decree and judgment of the Sub Court, Pattukkottai, dated 30.11.2009 passed in A.S.No.16 of 2009 confirming the decree and judgment of the District Munsif cum Judicial Magistrate, Orathanadu dated 27.04.2009 passed in O.S.No.35 of 2004.

For Appellants : Mr.A.Senthilkumar

For Respondents : Mr.L.Jeen Felix for R2

JUDGMENT

The second appeal is filed against the judgment and decree of the Sub Court, Pattukkottai, dated 30.11.2009 passed in A.S.No.16 of 2009 confirming the judgment and decree of the District Munsif cum Judicial Magistrate, Orathanadu dated 27.04.2009 passed in O.S.No.35 of 2004.

2.When the matter is taken up for hearing today, the learned counsel appearing for the appellants 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



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memo of compromise dated 09.02.2026. The joint compromise memo reads as follows:-

1. The 2nd party has filed a suit as against the 1st party seeking declaration and permanent injunction regarding suit schedule properties of 3 items. The trial Court regarding 1st item of the property was decreed and rejected other two items and further as against allowed portion, the 1st party filed appeal suit in A.S.No.16/2009 and disallowed portion, the 2nd party filed A.S.No.21/2009 both the appeal was dismissed, as against the same, the present two appeals the 1st party filed in S.A. (MD)No. 40/2017 and the 2nd party filed in S.A. (MD)No.222/2017 as of now both the appeal are pending adjudication.

2. It is submitted that due to the intervention of elders and friends, an amicable settlement has been arrived between the 1st party and the 2nd party and in accordance with the same; an agreement deed for compromise was executed between both the parties voluntarily without any compulsion as per given below and another separate compromise memo also filed for S.A. (MD)No.222/2017.

3. In respect of 1st item of suit property in Survey No. 161 B/13 which is now stance under joint patta of both parties, and the 2nd party shall relinquish their rights over



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the said survey number in favour of 1st party and further mutually agree to give 13.2 meters in length and 12 feet width of land for road purposes in the above said survey number and both parties agree to transfer the said extent in favour of the Panchayath board, as per local requirement and balance property in the said survey number the 1st party can change patta in their name.

4. In respect of 2nd item of suit property which is now stance under joint patta of both parties to an extant of 4.50 arce out the same the 2nd party shall enjoy the 3.5 cents southern side and change their name in respect of the above said cents and balance of the property shall enjoy and change patta in the names of 1st party, for which both parties are given consent.

5. In respect of 3rd item of suit property which is now stance under joint patta of both parties and the 2nd party shall relinquish their rights over the said survey number totally in favor of 1st party and they can change patta in their names for which the 2nd party have given consent and further as per the compromise respective parties portion they have to clear the pushes and clean the trees for the disturbance of respective parties.



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6. The above terms have been arrived at after detailed discussion and full mutual consent of both families. The both parties agree that the present compromise fully settles all issues between them in these appeals and in the related suit proceedings.”

3. In the light of the above mentioned facts, this second appeal is disposed of in terms of the compromise memo dated 09.02.2026. The Joint Memo of Compromise shall form part of the Decree. No costs.

15.07.2026

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NCC : Yes/No

TO

To

1. The Sub Court, Pattukkottai.
2. The District Munsif cum Judicial Magistrate, Orathanadu.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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T.V.THAMILSELVI, J.

sjj

ORDER
IN
SA(MD) No.40 of 2017

Date : 15/07/2026