

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2015

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

S.A.Nos.1869 and 1887 of 1999
and
C.M.P.Nos.20611 & 20760 of 1999

S.A.Nos.1869 of 1999

Rajendran

..Appellant

Vs.

1. Kshemasundari
2. Suramanjari
3. Thirulogian

...Respondents

Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgement and decree, dated 11.11.1998, passed in A.S.No.10 of 1991, on the file of the Sub Court, Tindivanam, in reversing the judgment and decree, dated 21.12.1990, in O.S.No.32 of 1986, on the file of the Additional District Munsif, Tindivanam.

For Appellant : Mr.T.S.Baskaran
For Respondent 3 : Mr.D.Bharathachakravathy
For Respondent R1 & R2 : Dismissed vide order of Court dated 07/12/2009

S.A.Nos.1887 of 1999

A.C.Thirulokiyan

..Appellant

Vs.

1. Rajendiran
2. Shemasundari
3. Suramanjari

...Respondents

Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgement and decree, dated 11.11.1998, passed in A.S.No.10 of 1991, on the file of the Sub Judge, Tindivanam, in modifying the judgement and decree, dated

21.12.1990, passed in O.S.No.32 of 1986, on the file of the Additional District Munsif, Tindivanam.

For Appellant : Mr.D.Bharathachakravathy
For Respondent-1 : Mr.T.S.Baskaran
For Respondents 2 & 3 : Disd.vide order,dated 07.12.2009

JUDGEMENT

The present Second Appeals have arisen out of the judgment and decree of the Lower Appellate Court made in A.S.No.10 of 1991, which in turn, arose out of the judgement and decree made in O.S.No.32 of 1986, on the file of the Trial Court.

2. The Suit came to be filed by one Premila Devi against Rajendran, the appellant in S.A.No.1869 of 1999 for declaration of her right/title over the suit property; for permanent injunction, restraining the defendant from interfering with her peaceful possession and enjoyment of the suit property by putting up any construction in the suit property or in any other manner.

3. After trial, the Suit was decreed in its entirety. Challenging the judgment and decree of the Trial Court, the defendant preferred First Appeal before the Lower Appellate Court. During the pendency of the First Appeal, the plaintiff passed away and her legal heirs were impleaded as respondents 2 and 3. The pendente lite purchaser, one A.C.Thirulokiyan, who got the sale deed executed in his favour from the legal heirs of the plaintiff, got himself impleaded as fourth respondent.

4. The Lower Appellate Court allowed the First Appeal and modified the decree of the Trial Court.

5. Aggrieved over the judgment and decree of the Lower Appellate Court, whereby, the relief sought for by the plaintiff was granted in part, the defendant Rajendran has preferred Second Appeal No.1869 of 1999. As against the disallowed portion of the claim, the pendente lite purchaser, by name, Thirulokiyan, preferred Second Appeal No.1887 of 1999.

6. Now, the above said Rajendran and A.C.Thirulokiyan alone are the contesting parties herein, and both have entered into a compromise, as a result of which a joint memo of compromise signed by them and also by their respective counsel on 14.09.2015 has been filed. The parties are also personally present before this Court along with their respective counsel. On being questioned, they confirm that they have voluntarily entered into the compromise, and they request the Court to pass

a decree in terms of the compromise.

7. The joint memo of compromise dated 14.09.2015 is recorded. In terms of the compromise memo, S.A.No.1869 of 1999, filed by the defendant is hereby allowed without costs and Second Appeal No.1887 of 1999, filed by the pendente lite purchaser, shall stand dismissed with the consequential result of dismissal of the Original Suit without costs. Both the Second Appeals are accordingly, disposed of. The compromise memo shall be annexed to the decree, and it shall also part form of the decree. Consequently, connected Miscellaneous Petitions are closed.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sd

To

1. The Sub Judge, Tindivanam.
2. The Additional District Munsif, Tindivanam.
3. The Section Officer,
VR Section, High Court, Madras

+1 CC to MR.D.Bharathachakravathy Advocate. SR.NO.50114

+1 CC to MR. Advocate.T.S.Baskaran SR.NO.50167

S.A.Nos.1869 and 1887 of 1999

सत्यमेव जयते

CO-TEJ

JD 30/11/2015

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