

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2015

CORAM

THE HONOURABLE MS. JUSTICE R. MALA

S.A.No.2034 of 2001

1.Vijayachamundeswari
2.K.Rajeswaran
3.K.Prabhakaran

... Appellants/Ist
Dependant/Respondent

(Appellants 2 and 3 impleaded vide
order of this Court dated 15.07.2015
made in C.M.P.No.151 of 2015 in
S.A.No.2034 of 2001)

Vs

1.Sarojini Ammal
2.Sivakumar
3.Kumar
4.K.Samy

... Respondents/plaintiff
& D2 toD4

Prayer: Second appeal filed under Section 100 of C.P.C. against
the Judgment and decree dated 21.08.2001 made in A.S.No.31 of 2000
and A.S.No.55 of 2000 on the file of the Sub-Court, Cheyyar,
reversing the judgment and decree dated 11.02.2000 made in O.S.No.52
of 1996 on the file of the Additional District Munsif Court, Cheyyar.

For Appellants : Mr.A.Muthukumar

For R1 : Mr.R.Rajesh for
Mr.S.Balasubramanian
R2 to R4 : Given up

J U D G M E N T

Today, the appellants and the first respondent and their
respective counsel are present. The appellants and the first
respondent have produced their I.D. cards and the same have been
verified by this Court. They presented the joint memo of compromise.

2.Even though the respondents 2 to 4 are parties to the suit, in

clause-14 of the compromise memo, it was stated that they are not having any right over the suit properties and they set exparte in the trial Court and hence, this second appeal against them may be dismissed.

3.On perusal of written statement filed by the first defendant and second defendant shows that the defendants 2 to 4, who are respondents 2 to 4 in the second appeal, have no right over the suit properties and the same has been stated in clause-14 of the memo of compromise. Therefore, this second appeal is dismissed in respect of respondents 2 to 4 herein.

4.Both the appellants and the first respondent and their respective counsel are admitting the terms of compromise and hence the compromise memo is recorded. The decree shall be passed in terms of compromise memo and the compromise memo shall form part of the decree. In terms of compromise memo, the Second Appeal is disposed of in respect of appellants and the first respondent. This second appeal is dismissed in respect of respondents 2 to 4 herein. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Additional District Munsif Court,
Cheyyar.
2. The Sub-Court, Cheyyar.
3. The Record Keeper, V.R.Section,
High Court, Chennai.

+1cc to M/s A.Muthukumar, Advocate sr.no. 38255

+1cc to M/s S.Balasubramanian, Advocate sr.no.38086

S.A.No.2034 of 2001

vg[co]
srg 03.08.2015