



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

SECOND APPEAL (MD) No.52 of 2009

and

M.P (MD) No.1 of 2009

Thirugnanasampatham

... Appellant/Appellant/Plaintiff

Vs.

1.Rajendran

.. 1st Respondent/1st Respondent/
1st Defendant

2.Alex Ravi

.. 2nd Respondent/2nd Respondent/
2nd Defendant

Prayer:- Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908 against the Judgment and decree dated 30.07.2008 passed in Appeal Suit No.132 of 2004 by the Additional Sub Court, Kumbakonam, confirming the Judgment and decree dated 06.11.2003 passed in Original Suit No.42 of 2002 by the Additional District Munsif Court, Valangaiman at Kumbakonam.

For Appellant : Mr.S.Siva Thilakar

For R - 1 : Mrs.N.Krishnaveni

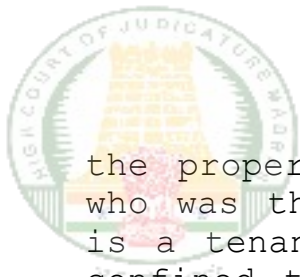
For R - 2 : No appearance

JUDGMENT

A compromise memo dated 13.07.2015 signed by the appellant and first respondent and their respective counsel has been produced today with a request to record the compromise and dispose of the appeal in terms of the compromise.

2. The appellant and the first respondent are personally present in the Court and their respective counsel are also present. On being questioned, they admit having entered into the compromise, without there being any threat, coercion or undue influence.

3. The second respondent, who has entered appearance through counsel, is said have no personal interest regarding the title to



the property and he was only sailing with the first respondent, who was the first defendant in the Original Suit. Admittedly, he is a tenant in respect of the suit property and his interest is confined to the protection of his right as a tenant. It is also admitted that eviction proceeding has also been initiated and a Civil Revision Petition arising therefrom is pending on the file of this Court.

4. As both the parties to the compromise, who are contesting the suit regarding the title to the property, have chosen to effect a settlement and both of them also admit that the compromise will no way affect the claim of the second respondent as a tenant, this Court is of the view that nothing more remains to be adjudicated upon in this Second Appeal. There is no plea for payment of cost on behalf of the second respondent.

5. Accordingly, the compromise memo is recorded. The Second Appeal is disposed of in terms of the compromise memo resulting in a decree superseding the decree passed by the trial Court, which was confirmed by the lower Appellate Court. Consequently, connected Miscellaneous Petition is also closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Additional Sub Court,
Kumbakonam.

2.The Additional District Munsif Court,
Valangaiman at Kumbakonam.

+1cc to MR.N.KRISHNAVENI, Advocate Sr.No.38180
+1cc to MR.S.SIVATHILAKAR, Advocate Sr.No.38108
+1cc to MR.V.K.VIJAYARAGAVAN, Advocate Sr.No.39310

PS

AA/14.08.2015/ 2p- 6c/

S.A(MD)No.52 of 2009
13.07.2015