



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 02.08.2017
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.95 of 2013
and
M.P.(MD)No.1 of 2013
and
C.M.P.(MD).No.7199 of 2017

1.K.Kannan
2.K.Radhi
3.K.Arun
4.K.Ganesh @ Ganesh K.Pandian @ Ganesh Kanaga Pandian

(Appellants 3 and 4 are impleaded vide
Courtorder, dated 27.07.2017 made in
C.M.P(MD).No.6820 of 2017 in
A.S.(MD).No.95 of 2013) ... Appellants/Defendants

Vs.

Thilagam Gowthaman
represented by her power of attorney agent
M.Subramaniam. ...Respondent/Plaintiff

(Cause title amended vide Court
order dated 06.07.2017, made in
C.M.P(MD).No.8423 & 8424 of 2016
in A.S.(MD).95 of 2013)

PRAYER: This Appeal has been filed under Section 96 of the Code of Civil Procedure against the Judgment and Decree dated 12.02.2013 made in O.S.No.181 of 2010 on the file of IV Additional District Judge, Madurai.

DECREE: This Appeal Suit coming on for hearing on this day upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in the suit and upon hearing the arguments of Mr.J.Barathan, learned Advocate for the Appellants, and of Mr.H.Arumugam, learned Advocate for the sole respondent, herein and both parties having settled their differences and entered into a compromise between the parties and having filed the petition of compromise duly signed on 31st July, 2017 by the parties as well as their Advocates and the petition of compromise filed on 01/08/2017, the court while recording the said petition of compromise the original of which is annexed herewith doth order and decree as follows:



1.that in view of the petition of compromise, the respondent be and hereby is directed to ratify the execution of registered settlement cancellation deed dated 06.07.2010 by the first petitioner/first appellant registered as document number 7900 of 2010 before the Joint Sub Registrar No.4, Madurai in respect of item 1 of the schedule of properties;

2.that in view of the petition of compromise, as agreed the respondent had also executed a registered ratification deed dated 01.08.2016 in favour of the first petitioner/first appellant registered as document number 7588 of 2016 before the Joint Sub Registrar No.4, Madurai ratifying the registered settlement cancellation deed dated 06.07.2010 registered as document number 7900 of 2010 before the Joint Sub Registrar No.4 Madurai in respect of item 1 of the schedule properties;

3.That in view of the petition of compromise, the respondent be and hereby is directed to ratify the execution of registered settlement cancellation deed dated 06.07.2010 by the ratify the execution of registered settlement cancellation deed dated 06.07.2010 by the first petitioner/first appellant registered as document number 7901 of 2010 before the Joint Sub Registrar No.4. Madurai in respect of item 2 of the schedule of properties;

4.that in view of the petition of compromise, the respondent had also executed a registered ratification deed dated 01.08.2016 in favour of the first petitioner/first appellant registered as document number 7587 of 2016 before the Joint Sub Registrar No.4, Madurai ratifying the registered settlement cancellation deed dated 06.07.2010 registered as document number 7901 of 2010 before the Join Sub Registrar No.4, Madurai in respect of item 2 of the schedule of properties.

5.that in vies of the petition of compromise, the respondent be and hereby is directed to ratify the execution of registered settlement cancellation deed dated 09.08.2016 by the first petitioner/first appellant registered as document number 2854 of 2010 before the Sub Registrar, Arasaradi in respect of item 3 of the schedule of properties;

6.that in view of the petition of compromise, the respondent be and hereby is directed to ratify the execution of registered settlement cancellation deed dated 12.04.2012 by the third petitioner/third appellant registered as document number 4682 of 2012 before the Joint Sub Registrar No.4, Madurai in respect of item 1 of the schedule of properties;

7.that iv view of the petition of compromise, the respondent had also executed a registered ratification deed dated 01.08.2016 in favour of the third petitioner/third appellant registered as document number 7586 of 2016 before the Joint Sub Registrar No.4, Madurai ratifying the registered settlement cancellation deed dated 12.04.2012 registered as document number 4682 of 2012 before the Joint Sub Registrar No.4, Madurai in respect of item 1 of the

<https://hcsresolutions.gov.in/hcsresolutions>

8. that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are



directed to agree that the registered settlement deed dated 10.08.2010 bearing document number 9356 of 2010 at the office of the Joint Sub Registrar No.4, Madurai executed by the first petitioner/first appellant in favour of the second petitioner/second appellant in null and void;

9. that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that the item 2 of the schedule of properties with the building with three floors constructed thereon absolutely belonged to the petitioners/appellants and that the first petitioner/first appellant is entitled to be in possession, enjoyment and occupation of ground floor of the building and that the fourth petitioner/fourth appellant is entitled to be in possession, enjoyment and occupation of the second floor of the building;

10. that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that the respondent do not have any right, interest or title over item 2 of the schedule of properties;

11.that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that the item 2 of the schedule of properties absolutely belonged to respondent;

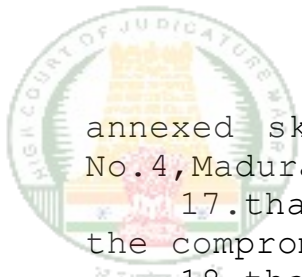
12.that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that the petitioner/appellants do not have any right, interest or title over item 3 of the schedule of properties;

13.that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that in the item 1 of the schedule of properties measuring 88 cents, after leaving space formation of road, an extent of the site measuring 150 feet north to south and 220 feet east to west is available; that out of it, the site on the eastern side measuring 150 feet north to south and 80 feet east to west absolutely belonged to the petitioners 1,3, and 4/appellants 1,3 and 4 and the remaining site on the western side measuring 150 feet north to south and 140 feet east to west absolutely belonged to the respondent;

14.that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that the petitioners/appellants do not have any right, interest or title over the western portion of the item 1 of the schedule of properties measuring 150 feet north to south and 80 feet east to west.

15.that in view of the petition of compromise, the petitioners/appellants and the respondent be and hereby are directed to agree that the three rough sketches drawn in respect of the schedule of properties shall form part of the decree;

16.that in view of the petition of compromise, the compromise decree passed in terms of this compromise petition along with the



annexed sketches shall be registered by the Join Sub Registrar No.4, Madurai;

17.that the Appeal suit be and hereby is allowed in terms of the compromise petition and

18.that there be no costs in the Appeal Suit.

Schedule of property

*vide separate sheet attached

Encl:- Petition of compromise along with three sketches.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The IV Additional District Judge,
Madurai.

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.J.BARATHAN,ADVOCATE,SR.70384

DATED: 02.08.2017

DECREE

AS.(MD)No.95 of 2013
Allowing the Appeal suit etc.,
as stated within.

MSA/SA

KK/SKN RSK/SAR 1/20.09.2017/ 4P- 4C