

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.02.2018
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

SA.No.726 of 2014
and MP.No.1 of 2014

Balaiyan

.. 7th Defendant/7th Respondent/
Appellant

Vs

1.Manjini
2.Narayanan
3.Govindammal
4.Ramasamy
5.Muthalappan
6.Ramalingam

..Plaintiff /Appellant/Respondent

Chandrasekaran (died)

..Defendant 1 to 6/Respondent 1 to 6
Respondent

7.Vijaya

8.Minor Vaishnavi,
D/o Chandrasekaran

Rep.by next friend and mother Vijaya ...LRs of 6th
Respondents /Defendants

PRAYER

Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree of the learned Principal Subordinate Judge, Tindivanam in AS.No.35 of 2011 dated 21.10.2013 reversing the Judgment and Decree of the learned Additional District Munsif, Tindivanam in OS.No.14 of 2005 dated 30.06.2011.

For Appellant : Mr.A.K.Kumarasamy,
Senior Counsel for
Mr.A.K.Kaithamalai Kumaran

For Respondents : Mr.P.B.Ramanujam for R1
: R2 to R8 - Ex-parte
before court below

O R D E R

The first respondent has preferred an appeal suit in AS.No.35 of 2011 in OS.No.14 of 2005 before the Principal Subordinate Court, Tindivanam, which was partly allowed by allotting 1/3 share of the suit property to the first respondent/ appellant therein. Challenging the aforesaid order, the seventh respondent / purchaser has preferred the second appeal before this Court.

2. At the time of hearing, the appellant and the first respondent are present. Insofar as the respondents 1 to 5, they were set ex-parte before the court below and the appeal is not pressed against all the respondents as they are not contesting parties.

3. The learned counsel for both the parties submitted that they have arrived at a settlement and without prejudice to the rights of the parties in the final decree proceedings, a joint memo of compromise dated 04.01.2018 is entered between the appellant and the first respondent, and the same is placed before this court.

4. In view of the joint compromise memo dated 04.01.2018, which shall form part of the record, the Second appeal is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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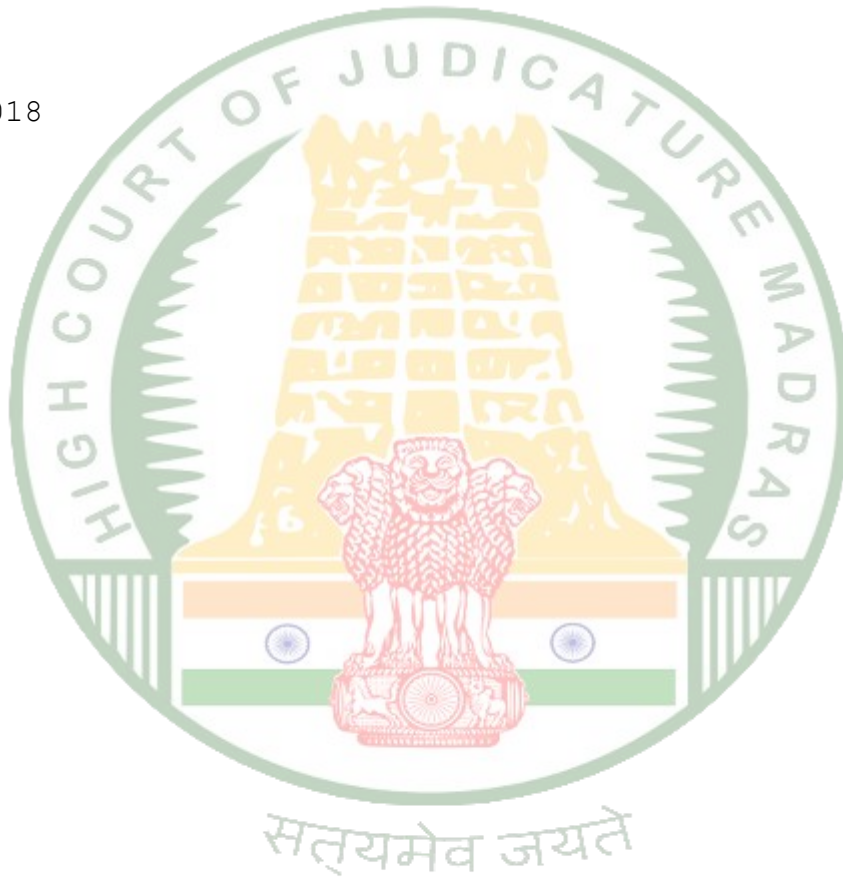
To

- 1) The learned Principal Subordinate Judge,
Tindivanam
- 2) The learned Additional District Munsif,
Tindivanam
- 3) The Section Officer
VR Section
High Court, Madras

+1 cc to M/s.P.B.Ramanujam Advocate sr 8654
+1 cc to Mr.A.K.Kumarasamy Advocate sr 8854

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