

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.468 of 1999

- 1.Sivaprakasam (died)
- 2.Kadirvelu (died)
- 3.Malarkodi Padayachi
- 4.S.Dhandapani
- 5.S.Chinnathambi
- 6.P.Amsayal
- 7.S.Rajendran
- 8.Dhanalakshmi

(Appellants 3 to 8 are brought on record
as LRs of the deceased 1st appellant vide
order of Court dt.14.10.2008 made in
CMP.Nos.9780 to 9782 of 2001

- 9.Palani
- 10.Amirthalingam
- 11.Mallika

(Appellants 9 to 11 brought on record as
LRs of the deceased 2nd appellant vide
order of Court dt.23.12.2004 made in
CMP.197/12 in S.A.No.468/1999)

...Appellants/Defendants

Vs.

- 1.Rathina Padayachi (deceased) ...Respondent/Plaintiff
- 2.Radhakrishnan
- 3.Arumugam
- 4.Arumbu
- 5.Vasanth
- 6.Ranganathan
- 7.Krishnamoorthy
- 8.Kalaiarasi
- 9.Athimoolam
- 10.Tamilarasi

R2 to R10 brought on record on LRS
of the deceased sole respondent vide
order of this Court dated 02.02.2018
made in CMP.No. 198 to 200/2012 in
SA.No. 468/1999.

Prayer: The Second Appeal has been filed under Section 100 of C.P.C. against the Judgment and decree dated 26.10.1998 in A.S.No.143/96 before the Sub-Court, Panruti Preferred against the Judgment and the decree dated 21.08.1996 in O.S.No.50/1988 before the District Munsif's Court, Panruti.

For Appellants : Ms.R.Meenal

For Respondent : M/s.Kingston Jerald
for Mr.S.K.Rekhunathan

J U D G M E N T

The respondent / plaintiff filed a suit for declaration and for permanent injunction before the Trial Court. The pathway of the property in question was used by the Villagers and the defendants. The plaintiff prevented the villagers and defendants to interfere with the peaceful enjoyment of the pathway and the same was decreed in favour of the plaintiff, against which the defendants preferred an appeal before the First Appellate Court.

When the first appeal was pending, the plaintiff and the defendants and other villagers have entered into a deed of compromise. On a perusal of the deed of compromise, it is seen that the plaintiff and defendants have compromised between themselves in the presence of the villagers and the plaintiff and the defendants have undertook that they are going to withdraw the said appeal as well as the criminal complaint. Accordingly, the plaintiff and the defendants have executed a deed of compromise dated 11.02.1997 and the same has been produced before this Court.

4.In view of the above deed of compromise dated 11.02.1997 entered into between the parties, nothing survives in the second appeal for adjudication. Accordingly, the second appeal is closed. The deed of compromise shall form part and parcel of the Judgment. No costs.

Xerox Copy of Memo of Compromise dated 11.02.1997 attached.

Sd/-

Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

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To.

1.The Sub-Judge
Panruti

2.The District Munsif's Court
Panruti

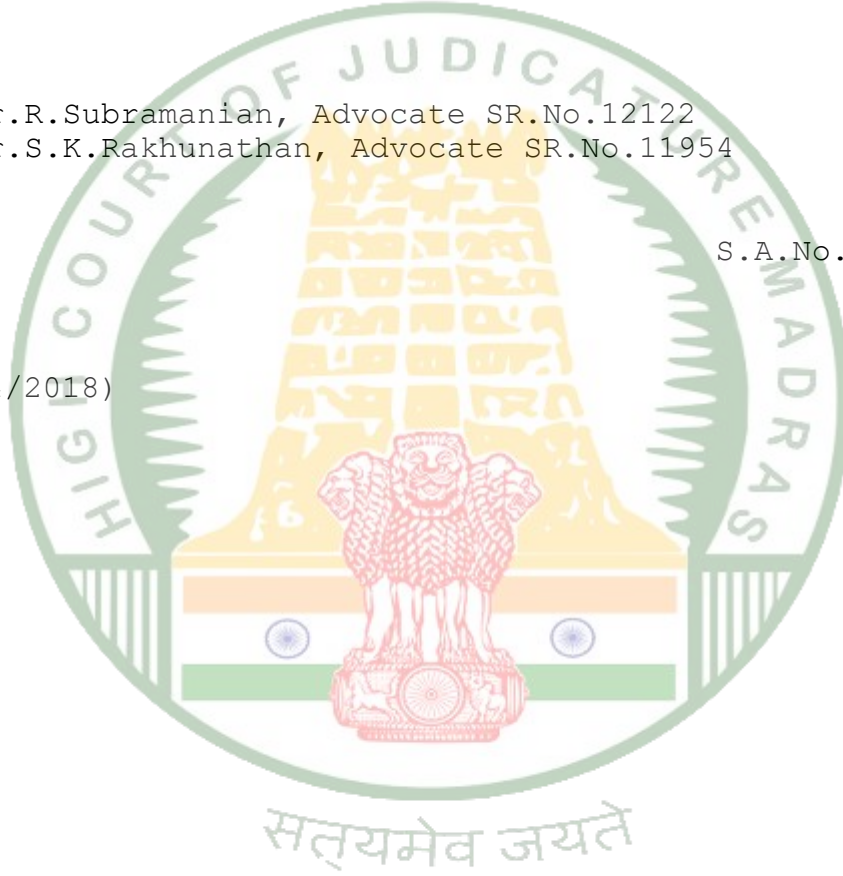
3.The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.R.Subramanian, Advocate SR.No.12122

+1cc to Mr.S.K.Rakhunathan, Advocate SR.No.11954

S.A.No.468 of 1999

NRI (CO)
GN(03/04/2018)



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