

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.768 of 2000
and
S.A.No.773 of 2000

E.Loganathan

... Appellant in both SAs/
Plaintiff

Vs.

1.T. Subramani Naicker

2.T. Thirunavukkarasu Naicker

... Respondents in both SAs/
Defendants

Prayer in S.A. Nos.768 and 773 of 2000:

Second Appeal filed under Section 100 of C.P.C. against the judgment and decree passed in A.S.No.11/99 and A.S.No.8/99 dated 10.09.1999 on the file of the Principal District Judge at Chengalpattu reversing the judgment and decree passed in O.S.No.363/89 dated 10.07.1997 on the file of the District Munsif Court at Chengalpattu.

For Appellant : Mr.R.Venkatesan

For Respondents: Mr.J.Srinivasa Mohan

C O M M O N J U D G M E N T

सत्यमेव जयते

The appellant in both the second appeals filed a suit for declaration and permanent injunction against the respondent/defendant in O.S.No.363 of 1989.

2. The lower court granted injunction. However, declined to grant declaration in favour of the appellant/plaintiff. As against the declination of declaration, the plaintiff/appellant preferred appeal before the lower appellate court in A.S.No.8 of 1999. The lower appellate court confirmed the lower court order and dismissed the appeal as against the injunction granted by the lower court, the respondent/defendant filed appeal before the lower appellate court in A.S.No.11 of 1999. The lower appellate court allowed the appeal and dismissed the suit. As

assailing the order of lower appellate court, the plaintiff/appellant filed two second appeals before this court.

3. The learned counsel appearing for the appellant submitted that during pendency of these appeals before this court, the matter was compromised in between the parties, Accordingly, Joint Memo is filed before this court.

4. The terms of Joint Memo are as follows:-

"11. The Plaintiff, in view of all the facts brought above which are part of records and in view of the concurrent judgment, admitted the title of the Defendants and sought ratification of their sale for 50%, echoing the observation of this Hon'ble Court.

12. The Defendants taking into account the observation of this Hon'ble Court and also the request of the Plaintiff, accepted the same and executed a Ratification Deed for 50% of suit land on the file of SRO Thiruporur, pending doc.84/2013. Though the appeals were dismissed in the year 2013, the said order had to be recalled because, the Learned Judge in First Appeal and the Second Appeal were one and the same.

13. The parties to the Appeal have agreed to share the suit property equally, as stated in para 11 & 12 above. Hence there is no claim or dispute between the parties with respect to the suit property and a quietus can be given.

14. As the Plaintiff is admitting the title of the Defendants, pursuant to the judgment in S.A.No.378 of 1956 and the settlement deed by Mr.Munusamy of the year 1961, in favour of the Defendants and as the Defendants have executed a Ratification Deed for 50% of the suit property, the appeals may be dismissed."

5. In view of the Joint Memo filed by the parties, the Joint Memo is taken on record. Accordingly, second appeal is closed. The Joint Memo forms part and parcel of the judgment and decree. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msvm
To

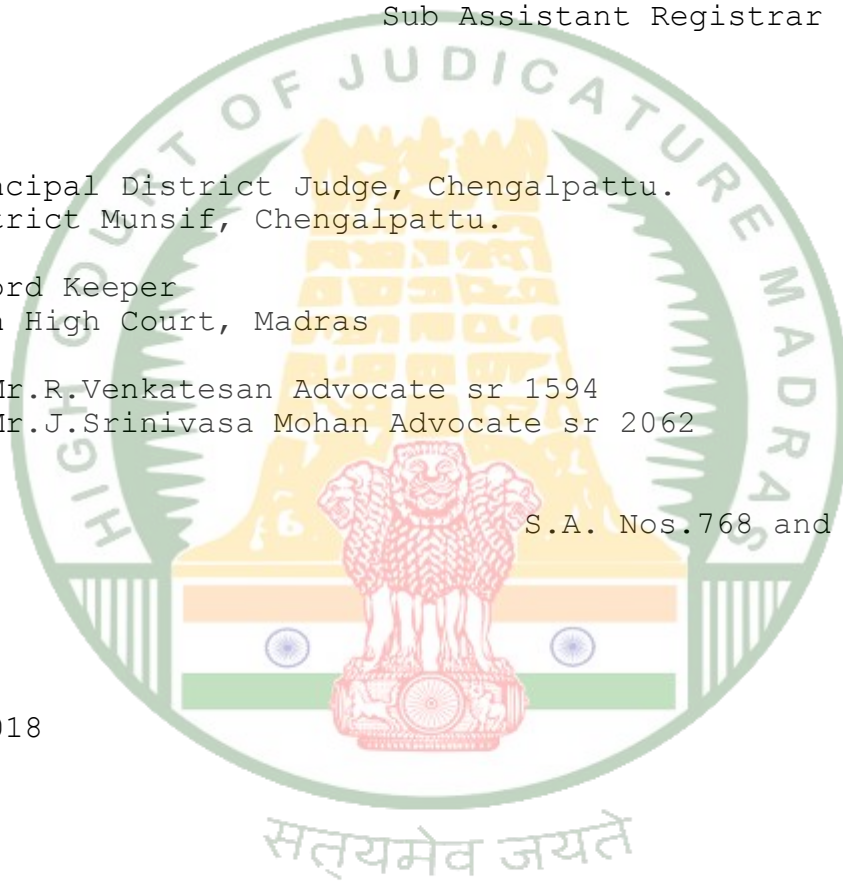
- 1.The Principal District Judge, Chengalpattu.
- 2.The District Munsif, Chengalpattu.

3.The Record Keeper
VR Section High Court, Madras

- +1 cc to Mr.R.Venkatesan Advocate sr 1594
+1 cc to Mr.J.Srinivasa Mohan Advocate sr 2062

S.A. Nos.768 and 773 of 2000

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