



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM :

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

S.A.Nos.54 and 55 of 2015

and M.P.Nos.1 and 1 of 2015

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S.A.No.54 of 2015

Mohammed Ismail (died)
Mohammed Ebrahim (died)

1. Mohammed Ghouse
2. Mohammed Sailya
3. Mariyambi
4. Noorunnissa
5. Jabar
6. Akbar
7. Munvar
8. Mujjafar
9. Askar
10. Shaitha
11. Shakeera
12. Hazera
13. Bibijan
14. Jarina Begam
15. Jabina Begum
16. Mohammed Anif
17. Mohammed Sadik
18. Mohammed Siddick

...Appellants

-vs-

1. Selvarani
2. Boopalan

...Respondents

Prayer:- This Second Appeal has been filed under Section 100 of Civil Procedure Code against the judgment and decree made in A.S.No.13 of 2011 on the file of the Subordinate Court, Gudiyattam, Vellore District dated 31.10.2014 reversing the judgment and decree made in O.S.No.856 of 1995 on the file of the District Munsif, Gudiyattam, Vellore District dated 29.10.2010.

S.A.No.55 of 2015

Mohammed Ebrahim (died)
1. Mohammed Ghouse Sahib
Goodu Sahib (died)
2. Noorunnisa
3. Jabar
4. Akbar
5. Munavar
6. Mujappar
7. Askar



8. Vajur
9. Sahitha
10. Shakeera
11. Hazeera
12. Billijon
13. Mohammed Hanif
14. Mohammed Sadiq
15. Mohammed Siddick
16. Jarina Begam
17. Jabeena Begam

...Appellants

-vs-

1. Selvarani
2. Saravanan
3. Shanthi
4. The Village Administrative Officer
Padarami Village and Post,
Gudiyattam Tauk, Vellore District.
5. The Tahsildar,
Gudiyattam
Vellore District
6. The State of Tamil Nadu
Rep by its Collector of Vellore District,
Vellore and District

Anandan (died)

7. Palani
8. Saravanan
9. Seenu
10. Velu
11. Prema

...Respondents

Prayer:- This Second Appeal has been filed under Section 100 of Civil Procedure Code against the judgment and decree made in A.S.No.14 of 2014 on the file of the Subordinate Court, Gudiyattam, Vellore District dated 31.10.2014 reversing the judgment and decree made in O.S.No.197 of 1995 on the file of the District Munsif, Gudiyattam, Vellore District dated 31.01.2014.

For Appellant : Mr.K.A.Ravindran
in both S.As

For Respondents 1 and 2
in S.A.No.54 of 2015

For Respondents 1 to 3
in S.A.No.55 of 2015

: Mr.D.Pradeep Kumar
No appearance for R4 to R6
in SA.No.55 of 2015

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

By order of this Court dated 17.01.2018, the matters were referred to the Mediation Centre, High Court, Madras. Before the Mediation Centre, the parties have arrived at an amicable settlement which has been reduced to writing and a Settlement



Memo dated 08.06.2018 signed by both the parties and their respective counsels have been filed.

2. It is useful here to extract the memo which reads as follows:-

"In the presence of the Mediator appointed by this Hon'ble Court, the appellants and respondent-1 herein agreed to settle the dispute amicably.

The 1st respondent herein filed a suit for declaration and injunction against the appellants and others in O.S.No.197 of 1995 on the file of the District Munsif at Gudiyattam and the appellants filed O.S.No.856 of 1995 on the file of the District Munsif, Gudiyattam for permanent injunction. Both suits decreed, on appeal by both appellants and respondent herein, the appellants appeal in A.S.No.14 of 2014 was dismissed by confirming the title of the respondents 1 to 3 and 1st respondent's appeal in A.S.No.13 of 2011 was allowed. Against A.S.No.13 of 2011 and A.S.No.14 of 2011 the appellants herein filed two Second Appeal in S.A.No.54 of 2015 and S.A.No.55 of 2015 before this Hon'ble High Court.

The appellants have agreed to settle the issue arises between them and the 1st respondent. The appellants herein have confirmed the absolute right and title of the 1st respondent-Mrs.Selvarani, her son - Mr.Saravanan, 2nd respondent and daughter Ms.Shanthi-3rd respondent herein and undertake not to disturb their possession over the suit property in both the suits in O.S.No.197 of 1995 and O.S.No.856 of 1995 on the file of the District Munsif, Gudiyattam and also undertake to return all the original documents to the respondents 1 to 3. The appellants have returned a sum of Rs.2,60,000/- (Rupees two lakhs and sixty thousand only) by way of costs.

The respondents 1 to 3 in S.A.No.55 of 2015 Mrs.Selvarani, her son Saravanan - 2nd respondent and daughter - Ms.Shanthi have permitted the appellants herein to cut and carry away the schedule mentioned tamarind tree in both the suits property upto ground level before 30.04.2017. The respondents 1 to 3 in S.A.No.55 of 2015 shall have absolute right and title over the suit property subject matter in 'A' schedule property in O.S.No.197 of 1995 on the file of the District Munsif, Gudiyattam, and subject matter in O.S.No.856 of 1995 on the file of the District Munsif, Gudiyattam.

In the above terms of compromise the appellants in both the appeals have agreed to



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withdraw the appeal confirming absolute right and title of the respondents 1 to 3 in S.A.No.55 of 2015 and the first respondent in S.A.No.54 of 2015. The above terms of the compromise may be recorded by this Mediator and the appeals may be posted before the Hon'ble Court for further orders and oblige."

3. The above said memo is recorded. There will be a decree in terms of the above said memo. The said memo shall form part and parcel of the decree. Accordingly the second appeals are disposed of. Consequently, connected Miscellaneous Petition are also closed. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

srn

To

- 1.The Subordinate Court, Gudiyattam, Vellore District
- 2.The District Munsif, Gudiyattam, Vellore District

+1cc to M/s.K.A.Ravindran, Advocate Sr.No.39756
+2cc to M/s.T.Dhanyakumar, Advocate Sr.o.38856 & 39241

RJI (CO)
sm:21.8.2018

S.A.Nos.54 and 55 of 2015
and M.P.Nos.1 and 1 of 2015