

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.1597 of 2002

1.Uthamappan
2.Krishnasamy
3.Munusamy Mudaliar
4.T.P.Siddhappan
5.Krishnachetty
6.Dhodannan

... Appellants/plaintiffs

Vs.

The Salem Cotton and Pure silk Weavers
Co-operative Production and Sales Society
Limited, No.S.362, Gugai
Salem - 6. ... Respondent/Defendant

Prayer:

Second Appeal filed under Section 100 of C.P.C. against the judgment and decree dated 31.07.2002 in A.S.No.40 of 2000 on the file of the Additional District Sessions Judge, Fast Track Court No.1, Salem, reversing the judgment and decree dated 18.11.1999 in O.S.No.62 of 1991 on the file of the IInd Additional District Munsif, Salem.

For Appellants : Mr.K.Selvaraj
For Respondent : Mr.R.Nalliyappan
(Caveator)

J U D G M E N T

When the matter is taken up for hearing today, the learned counsel appearing for the respondent/ defendant filed a memo dated 07.02.2018, which reads as follows:

"The respondent hereby undertakes that they will not alienate or encumber or put up any superstructure over the property which is exclusively allotted as common area such as playground, Hospital including well, except dyeing factory and park comprised in SF.No.1/2, 2, Seelanaickenpatti Village, 139/1-A, Dadagapatti Village, Salem District. This respondent reserves their right to restrain the appellant or other members of the respondent society or their men or agents

from constructing any super structure or altering or modifying the common area exclusively allotted as playground, Hospital and park comprised in SF.No.1/2, 2, Seelanaickenpatti Village, 139/1-A, Dadagapatti Village, Salem District.

This Hon'ble Court pleased to record this Memo and dispose the above appeal and thus render justice."

2.In view of the memo filed by the respondent/ defendant, this second appeal is disposed of. The memo dated 07.02.2018 filed by the respondent/ defendant shall form part and parcel of the decree. This Court makes it clear that the plaintiffs and the respondent society have no right to alienate the property which was allotted for common purpose. No costs.

***Here enclose xerox copy of
Memo of Compromise**

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Sessions Judge,
Fast Track Court No.1, Salem.

2.The II Additional District Munsif,
Salem.

3. The Section Officer
VR Section High Court, Madras

+1 cc to Mr.K.Selvaraj Advocate sr 9541
+1 cc to Mr.R.Nalliappan Advocate sr 9443

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