



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.03.2018
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.R.P. (MD) No.1895 of 2017 (NPD)
and
C.M.P. (MD) No.9816 of 2017

1.N.M.Nagoor Meeran

2.Nazima Begum

.. Petitioners /
3rd parties

Vs.

Antonisamy (died)
A.L.Mary (died)
J.M.R.Juliana (died)

1.A.Sampathraj

2.A.Xavier Chander

3.A.Magdaline Pamila Rani

4.A.Jerald Santharajan

5.Nirmala Rani

.. Respondents 1 to 5/
L.Rs. of Decree holders / L.Rs. of Plaintiffs

A.Jaraldin Soundarajan (died)

6.Tamil Selvan

7.Ramachandran

8.Rajasekaran

9.Pugalendhi

10.Pari

.. Respondents 6 to 10 /
Judgment Debtors / Defendants 1 to 5

Sathiyavel (died)
Ganapathy (died)
Arumugam (died)
Ponnachi Ammal (died)
Nandachivayam (died)
Chinna Ponnachi Ammal (died)



Maragathammal (died)

11.Ponnammal

12.Selvarani

13.Mallika

.. Respondents 11 to 13 /
L.Rs. of 9th defendant

14.G.Jayalakshmi

15.G.Vasanth

16.G.Jhansi Rani

.. Respondents 14 to 16/
L.Rs. of 7th defendant

17.S.Rajeshwari

18.S.Kavitha

.. Respondents 17 & 18 /
L.Rs. of 8th defendant

19.T.Selvaraj

.. 19th Respondent /
L.Rs. of 10th defendant

T.Srinivasan (died)

20.Sarada

21.Senthil

22.Manikandan

23.Thilakavathi

.. Respondents 20 to 23 /
L.Rs. of 11th defendant

Petition filed under Section 115 of C.P.C., as against the delivery order dated 12.10.2017 in E.P.No.173 of 2006 in O.S.No.680 of 1980 on the file of the I-Additional Subordinate Judge, Tiruchirapalli.

For Petitioners : Mr.V.Meenakshisundaram

For respondents 1 to 5 : Mr.C.Ashok Kumar

For respondents 6, 7, 9,
10, 14, 15, 18 to 23 : Mr.P.Thiyagarajan

For respondents 11 & 13 : No appearance

COMMON ORDER

The respondents 1 to 5 herein are the legal heirs of the Decree holders / original plaintiffs. The revision petitioners / 3rd parties are subsequent purchasers of a portion of the suit properties. The suit was filed for partition of 8/35 share and the same was decreed. After a long legal battle, the final decree was passed and during the execution proceedings, the revision petitioners / 3rd parties filed objection petition. While so, the execution Court has ordered for delivery on 12.10.2017. Challenging that order, the revision petitioners / 3rd parties have filed the present civil revision petition.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the revision petitioners and the respondents 1 to 5 along with their respective parties appeared before this Court and they would submit that the contesting parties viz., the revision petitioners and the respondents 1 to 5 herein have entered into a compromise with certain terms and that as far as the respondents 6 to 23 herein are concerned, they are not necessary parties to the compromise and hence, the terms of compromise will not bind them and hence, nothing survives in this petition for adjudication. The said statement is recorded. In support of his contention, he has filed the compromise memo, dated 26.03.2018, along with the identity card of the parties. The learned counsel for the other respondents submitted that they have no objection in those parties entering into the compromise.

3. The identity of the parties, who appeared before this Court, were verified by their respective counsels as well as the copy of the identity card filed along with the memo of compromise. A perusal of the compromise memo would go to show that after receipt of Rs.7.5 lakhs, the respondents 1 to 5 herein have endorsed the title and possession of the revision petitioners and consequently, they undertook to withdraw the execution petition in respect of the property of the revision petitioners. The compromise memo shall form part and parcel of the order. Both the parties are directed to adhere to the terms of the compromise memo.

4. Accordingly, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar



COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To **மேலாட்சி**

WEB COPY

The 1st Additional Subordinate Judge,
Tiruchirapalli.

Copy to:-

The Section Officer, (2 COPIES)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai

+One CC to Mr.P.Thiagarajan, Advocate, SR.No.58591

+1 CC TO Mr.D.Nallathambi, Advocate, SR.No.58243

+ One CC TO Mr.C.Ashokkumar, Advocate, SR.No.58529

gcg

RL/7C/4P/SKN/RSK/SAR3/16/4/2018

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