



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.03.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Appeal Suit (MD) No.199 of 2011

V.T.Ranganayaki Anni

represented through her power of Attorney Agent

V.T.Kumaraswamy

S/o.V.S.Thirumalaisubramania Mudaliar

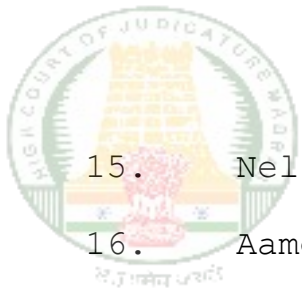
125 Railway Feeder Road,Tenkasi

Tirunelveli District

... Petitioner/ Appellant

-vs-

1. M/s.Bharathan Theatres ltd.,
73/1 South Masi Street,
Tenkasi, Tenkasi Taluk,
Tirunelveli District
2. P.S.Venkateswaran
3. P.S.Ramanathan (died)
4. S.R.Radhalakshmi
5. M.S.M.Khalil Ahmed Miran (died)
6. M.S.M.mohamed Nainar (died)
7. K.S.Kousalya
8. S.V.Sumitra
9. Veidehi
10. P.V.Sugana
11. P.R.Manjula (died)
12. P.S.M.Swamy



15. Nellaiappan

16. Aameenal Beevi

17. Fathima Jahan

18. Geisar Shahul Hameed

19. K.M.Sithik

20. Roshan

21. Haseena

22. Vasila

23. Mohamed Javaheer

24. Sarab Rajkathir

25. Farzana

26. Syed Aasif

27. Mothi

28. R.Subbulakshmi ... Respondents

(3rd respondent is recorded as LR of the deceased 11th respondent and 28th respondent is brought on record as LR of the deceased 11th respondent vide order of the Court dated 21.12.2017 in CMP No.10783/2017 in this appeal)

Prayer: Appeal suit filed under Section 96 of the Code of Civil Procedure against the judgment and decree made in IA No.36/2004 dated 20.10.2010 in O.S.No.5/2004 on the file of the Additional District Judge cum Fast Track Court No.2, Tirunelveli, (earlier I.A.No.274/2003 in O.S.No.9 of 1989 on the file of the Principal Subordinate Judge, Tenkasi).

For Appellants : Mrs.N.Krishnaveni
senior counsel for
Mr.P.Thiagarajan

For Respondents : Mr.S.Anwar Sameem for
Mr.I.Irulappan for R1 to R3 and R7 to R10,
R28
Mr.T.S.Mohammed Mohidden for
R17, R21, R22, R24 and R26
R11 died
No appearance for R16, R25, R27



[RR4 to 6, RR12 to 15, R18 to 20,
R23 given up]

JUDGMENT

WEB COPY (Order of the Court was made by S.Vimala,J.,)

The plaintiff is the appellant. The suit properties are the landed properties measuring an extent of 64 cents. This appeal has been filed challenging the final decree dated 20.10.2010 in I.A.No.36/2004 in O.S.No.5/2004 on the file of the Additional District Judge cum Fast Track Court No.2, Tirunelveli(earlier I.A.No.274/2003 in O.S.No.9 of 1989 on the file of the Principal Subordinate Judge, Tenkasi).

2. According to the learned counsel on both sides, the matter has been amicably settled between the parties and the terms of compromise have been entered into and it is also in writing. The compromise memo has been filed along with the sketch and the same is recorded.

3. It is stated that R1, R2, R3, R12 to R23 are stated to be the lessees and they are not parties to the compromise and as per the request made, they are exonerated from these proceedings. It is represented that R3 and R11 died during the proceedings and their legal representative, viz., R28 is brought on record. It is also represented that R5 and R6 also died during the proceedings and their legal representatives, viz., R16 to R20 are brought on record and their shares are purchased by R24 to R27 respectively.

4. All the parties are present and accepted the terms of the compromise and would submit that it is voluntary, true and out of their own volition. Therefore, the final decree is passed in terms of the compromise. The compromise memo and the sketch shall form part of the decree.

5. Recording the compromise arrived between the parties, this appeal is disposed of. No costs.

Sd/

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

ENCL: Xerox Copy of Memorandum of compromise Files by the Parties.

To:

<https://hcservices.courtsofmadras.org/> Additional District Judge cum Fast Track Court No.2,
Tirunelveli



2.The Principal Subordinate Judge,Tenkasi

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

+1cc to Mr.T.ANTONY ARUL RAJ, Advocate, SR.No. 53788

+4cc to Mr.T.S.MOHAMED MOHIDEEN, Advocate, SR.No. 53533,53746

+1cc to Mr.P.THIAGARAJAN, Advocate, SR.No.53862

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RR

KK/SV MMS/SAR-3/21.05.2018/4P-11C