

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

S.A.NO.764 OF 1999

1. Kanjamalai, S/o.Pachamuthu
2. Jayavel (died)
3. Nallammal (died)
4. Sakunthala
5. Lalitha
6. Loganathan
7. Lavanya
8. Gowri

(Appellants 5 to 8 brought on record as legal heirs of the deceased 2nd appellant vide order dated 04.12.2019 in C.M.P.No.2144 to 2146 of 2018 in S.A.No.764 of 1999)

...Appellants/LRs of the Plaintiff/
Respondents 5 to 8/

Vs.

1. Krishnan (died) .. 1st Respondent/Appellant/
2nd Defendant

2. P.Sathiyamurthi
3. P.Sekar
4. Kannammal
5. Vijaya
6. Pushpa
7. Prema
8. K.Gopi
9. R.Indira
10. Thyagarajan
11. R.Harthick
12. R.Venkatesan

(RR4 to R12 brought on record as legal heirs of the deceased R1 vide order dt.04.12.2019 in CMP.Nos.3656 to 3658 of 2018 in S.A.764 of 1999

...Respondents

Prayer :-

This Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree dated 13.03.1997, in A.S.No.9 of 1990 on the file of the Subordinate Court, Dharmapuri, by reversing the decree and judgment dated 09.02.1990 in O.S.No.1042 of 1984 on the file of the District Munsif Court, Harur.

For Appellants

For A1 & A4 to A8 : Mr.Arun Anbumani

A2 & A3 : Died

For Respondents

R1 & R2 : Died

For R3 : No appearance

For R4 to R12 : Mr.V.Nicholas

JUDGMENT

This second appeal is directed as against the judgment and decree dated 13.03.1997, in A.S.No.9 of 1990 on the file of the Subordinate Court, Dharmapuri, by reversing the decree and judgment dated 09.02.1990 in O.S.No.1042 of 1984 on the file of the District Munsif Court, Harur.

2. Pending this appeal, the parties viz., the appellants as well as the respondents settled the issue amicably between themselves and also they entered into a Joint Memorandum of Compromise. The terms of joint memorandum of compromise, dated 12.12.2019, are as follows :-

"2. The appellants 1, 4 to 8 and the respondents 4 to 12 herein beg to submit that they have agreed and decided to compromise the above litigation at the intervention of the elders in the village and well-wishers on the following terms of compromise :-

a. The respondents 4 to 12 being the legal heirs of late.Krishnan, admit the title of the appellants 1, 4 to 8 to the suit property of an extent of 6.30 acres in S.No.188/2 of Unisenahalli village, Pappireddipatti Taluk, Dharmapuri District with assessment 1.12. Henceforth, the appellants 1, 4 to 8 viz., Kanjamalai,

Sakunthala, Lalitha, Loganathan, Lavanya and Gowri are the absolute owners of the above said property and admittedly they are in possession of the said property.

b. The respondents 4 to 12 viz., Kannammal, Vijaya, Pushpa, Prema, Gopi, R.Indira, Thyagarajan, R.Karthik and R.Venkatesan herewith forego all their right, title, interest, claims and possession over the above said suit property, i.e., an extent of 6.30 acres, and in consideration thereto they have received a sum of Rs.7,75,000/- (Rupees Seven Lakhs and Seventy Five Thousand only) today from the appellants in full settlement. In view of this compromise and settlement, the respondents 4 to 12 will cease to have any right, title, interest or claim under the Sale Deed dated 27.12.1983 executed in favour of Late. Krishnan. Consequently, the suit in O.S.No. 1042 of 1984 filed before the learned District Munsif's Court, Harur, may be decreed as prayed for.

c. The parties, who are present before this Hon'ble Court today, pray that the Second Appeal in S.A.No.764 of 1999 be allowed in terms of this Memorandum of Compromise."

3. The above said Joint Memorandum of Compromise has been filed before this Court which have been signed by the appellants and the respondents and also by their respective counsel. It is submitted that on behalf of the respondents 7 & 8, their Power of Attorneys have signed the joint memorandum of compromise. All the parties are present and identified by their respective counsel. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Accordingly, the terms of the above joint memorandum of compromise are recorded. On terms of Joint Memorandum of Compromise, this Second Appeal is disposed of. The Joint

Memorandum of Compromise shall form part and parcel of this decree. No order as to costs.

Memo in SR.No.7473 dated 20.09.2018
recorded as A3 Nallammal died

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rts

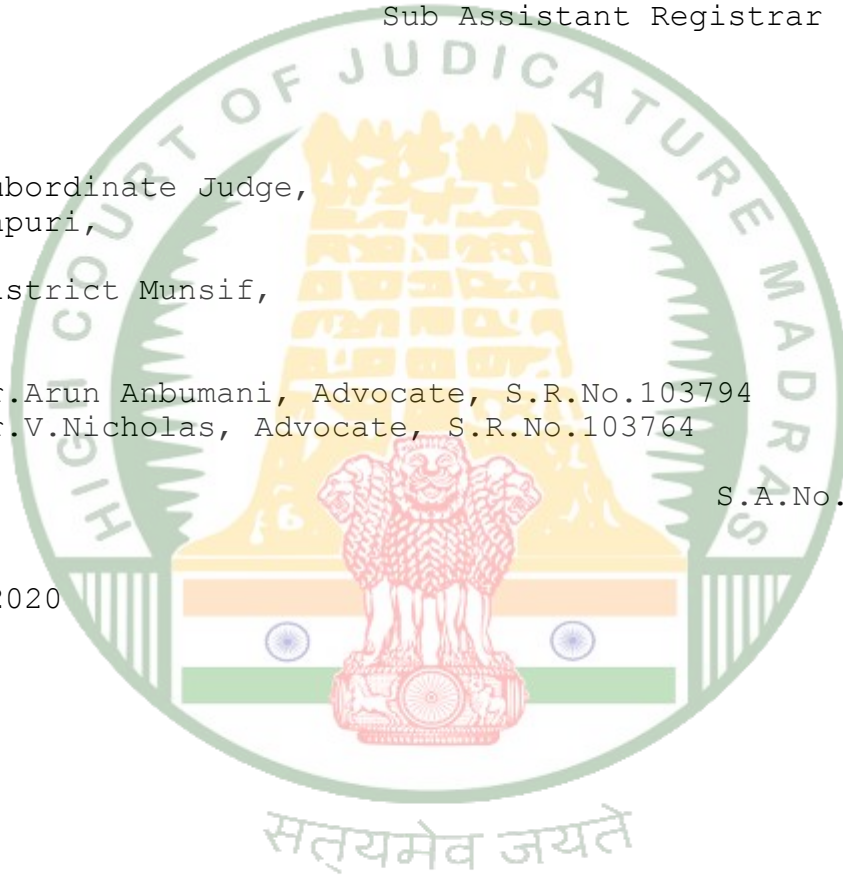
To

1. The Subordinate Judge,
Dharmapuri,
2. The District Munsif,
Harur.

+2cc to Mr.Arun Anbumani, Advocate, S.R.No.103794
+1cc to Mr.V.Nicholas, Advocate, S.R.No.103764

S.A.No.764 of 1999

KJ(CO)
CS/08/12/2020



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