

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

S.A.No.1472 of 2000

1. Thangamani (Deceased)

2. Palaniammal

3. Vijayalakshmi

4. Senthil kumar

5. Rajalakshmi  
(Appellants 2 to 5 brought  
on record as legal heirs  
of the deceased sole appellant  
vide order dated 07.12.2018  
in C.M.P.Nos.13738 to 13740  
of 2018 in S.A.No.1472 of 2000)

...Appellants/Respondent/Plaintiff/  
LRs of deceased/Sole Appellant

Vs.

1. Abdul Basha @ Basha Sahib (Deceased)

2. Mumtaz bi

3. Saleem

4. Sheik Jinnah (Deceased)

5. Zahir Hussain

6. Akbar Hussain

7. Shameem bi

**\*8. S.Amina Bi**

(RR2 to R8 brought on  
record as legal heirs of  
the deceased sole respondent  
vide order dt. 10.12.2006 in  
CMP.Nos. 16430 to 16432  
of 2004 in S.A.1472 of 2000)

9. Mallika Bi

10. Balkis Begum

11. Sahul

12. Sheik Muhamad

(RR9 to R12 brought on  
record as legal heirs of  
the deceased fourth respondent  
vide order dt. 17.12.2019 in  
CMP.Nos. 26897, 26899 & 26905  
of 2019 in S.A.1472 of 2000)

...Respondents

Prayer :- This Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree dated 19.02.1999 made in A.S.No.416 of 1999 on the file of the Civil Court (Senior Division) (Subordinate Judge's Court), Kallakurichi, reversing the judgment and decree dated 18.07.1996 made in O.S.No.456 of 1992 on the file of the Principal District Munsif Court, Kallakurichi.

For Appellants

1<sup>st</sup> Appellant : Died

Appellants 2 to 5: Mrs. Mythili Suresh  
For Sarvabhauman Associates

For Respondents

R1 & R4 : Died

For R2, R3,

R5 to R12 : Mr. Sheik Ismail

#### JUDGMENT

This second appeal is directed as against the judgment and decree dated 19.02.1999 made in A.S.No.416 of 1999 on the file of the Civil Court (Senior Division) (Subordinate Judge's Court), Kallakurichi, reversing the judgment and decree dated 18.07.1996 made in O.S.No.456 of 1992 on the file of the Principal District Munsif Court, Kallakurichi.

2. The learned counsel on record appearing for either side are present. They made a submission that 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 dated 17.12.2019.

3. The above said Joint Memorandum of Compromise dated 17.12.2019, has been filed before this Court which have been signed by the appellants and the respondents and also by their respective counsel. 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.

Sd/-

Assistant Registrar(CS IV)

Dated:20/12/2019

**\*Amended as per order of this Court,  
dated 06/01/2021 and made in  
SA No.1472 of 2000**

Sd/-

Assistant Registrar(CS-VI)

Dated:20/01/2021

//True Copy//

Sub Assistant Registrar

rts  
To

1. The Subordinate Judge  
Civil Court (Senior Division),  
Kallakurichi.
2. The Principal District Munsif Court,  
Kallakurichi.

**To be substituted to the  
order already despatched  
On 30/12/2019**

Copy to:

The Section Officer, V.R. Section,  
Madras High Court, Chennai.

+1cc to M/s.Sarvabhauman Associates, Advocate Sr.104829

+1cc to Mr.Sheik Ismail, Advocate Sr.104816

**+1cc to M/s.Sarvabhauman Associates, Advocate sr.705[22/01/2021]**

S.A.No.1472 of 2000

gj(co)  
nr 20/12/2019  
srg 20/01/2021