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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM :

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

S.A.Nos.484 & 485 of 2008

and

M.P. Nos.1 & 1 of 2008

Vadivel Naicker

... Appellant
in both appeals/Plaintiff
Vs.

1.S.Venugopal Naicker (Died)
2.Kamala
3.Balasubramani
4.Manokaran
5.Senthil Kumar
6.Saravanan
7.Devi

... Respondents
in S.A.No.484 of 2008

[RR2 to 7 brought on record as LR's of the
deceased sole respondent vide order of
Court dated 16.04.2019 made in C.M.P.Nos.9334,
9338 and 9341 of 2019 in S.A.No.484 of 2008]

1.S.Venugopal (Died)
2.Jayaraman Naicker
3.Ammkannu ammal
4.Kamsala Ammal
5.Balasubramani
6.Manokaran
7.Senthil Kumar
8.Saravanan
9.Devi

... Respondents
in S.A.No.485 of 2008

[RR5 to 9 brought on record as LR's of the
deceased 1st respondent vide order of
Court dated 16.04.2019 made in C.M.P.Nos.9328,
9339 and 9344 of 2019 in S.A.No.485 of 2008]

COMMON PRAYER : Second Appeals in S.A.Nos.484 and 485 of 2008
filed under Section 100 of C.P.C., against the judgment and
decree dated 27.09.2007, made in A.S.Nos.5 and 6 of 2005,
respectively, on the file of the Additional Subordinate Judge,



Tiruvannamalai in reversing the well considered judgment and decree dated 29.11.2004, made in O.S.Nos.678 of 1996 and 122 of 2004, respectively, on the file of the Additional District Munsif, Tiruvannamalai.

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For Appellant : Mr.T.Shanmugam
in both appeals

For Respondents : M/s.R.Ramya
in both appeals

C O M M O N J U D G M E N T

On 16.04.2019, this Court passed the following order :

"The appellant in both the Second Appeals and his three sons have appeared in persons, today, before this Court.

2.The learned counsel appearing for both sides have submitted that the matter is settled and a compromise memo was also prepared. Both the counsel further submitted that there was some mistake in the cause title in the compromise memo and the same would be set right and the memo will be filed in the next hearing.

3.The learned counsel appearing for the appellant made a submission that the appellant is an old aged man and his presence may be dispensed with.

4.The appellant and his sons accepted the allotment made in the compromise memo in respect of the 'A' schedule property. In view of the age of the appellant, his presence is dispensed with.

5.Post the matter on 25.04.2019."

2.Pursuant to the order dated 16.04.2019, a corrected Memorandum of Compromise has been filed today. In the memo of compromise, it has been stated by the parties that, they have amicably settled the disputes in the Second Appeals among themselves in the manner set out in the memo of compromise. It has also been stated that the second appeal in S.A.No.484 of 2008 may be dismissed as withdrawn. The memo of compromise is accepted by the parties, who were present in the last hearing.

3.The memo of compromise filed by the parties is recorded and the same shall form a part of the decree. In view of the compromise entered into by the parties, S.A.No.485 of 2008 is disposed of in terms of the compromise and S.A.No.484 of 2008 is



dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are closed.

*Copy of the Compromise Memo enclosed

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Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

mkn

To

1.The Additional Subordinate Judge,
Tiruvannamalai.

2.The Additional District Munsif,
Tiruvannamalai.

Copy To
The Section Officer,
VR Section, High Court,
Madras

+2cc to Mr.T.Shanmugam, Advocate SR.No.41027, 41028

+1cc to Mr.T.V.Krishnamachari, Advocate SR.No.40864

S.A.Nos.484 & 485 of 2008
and M.P. Nos.1 & 1 of 2008

SAJ (CO)
GMY (16/09/2019)