

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.G.K.ILANTHIRAIYAN

S.A.No. 865 of 2006

and

M.P.Nos. 1 of 2006 & 1 of 2011

- 1.Rajalakshmi (died)
- 2.Amirtham
- 3.Sundaram
- 4.Baskaran
- 5.Vasanthi
- 6.Shanthi
- 7.Kumar
- 8.Sakthivel
- 9.Madhivadhani

(Appellants 3 to 9 brought on record as LR's of the deceased 1st appellant Viz., Rajalakshmi vide order of Court dated 14.10.2019 made in C.M.P.No.15210, 15211 & 15213 / 2019 in S.A.No.865 / 2006)

...Appellants/ Respondents 1 & 2
Plaintiffs/ Lrs of 1st Plaintiff

Vs.

- 1.P.Rathinasami
- 2.Thangam
- 3.Singarammal (Deceased)
- 4.Saroja (Deceased)
- 5.M.S.Subramani
- 6.M.S.Chamundeswari
- 7.M.S.Bhuvaneswari
- 8.M.S.Uma Maheswari
- 9.M.S.Suganeswari

(Respondents 5 to 9 brought on record as legal heirs of the deceased 4th respondent vide order of the Court dated 23.08.2016 made in C.M.P.No.7730 to 7732 of 2016 in S.A.No.865 of 2006)

...Respondents/ Appellants/
Defendants/ LRs of Deceased
4th Defendant.

Prayer: Second Appeal filed under Section. 100 of C.P.C. against the judgment and decree dated 24.03.2006 made in A.S.No. 48 of 2004 on the file of the I-Additional District Court, Salem

reversing the judgment and decree dated 08.09.2003 made in O.S.No. 304 of 2000 on the file of the Sub-Ordinate Judge, Sankari.

For Appellants : M/s.Zeenath Begum

For Respondents : Mr.Kaithamalai Kumaran for R2
Mr.P.Jagadesan for R1
R3 & R4 died
R4 to R9 No appearance.

J U D G M E N T

This appeal has been filed against the judgment and decree dated 24.03.2006 made in A.S.No. 48 of 2004 on the file of the I-Additional District Court, Salem reversing the judgment and decree dated 08.09.2003 made in O.S.No. 304 of 2000 on the file of the Sub-Ordinate Judge, Sankari.

2. Pending this appeal, the matter has been posted before Lok Adalat for negotiation. The parties were settled the issued between them amicably by way of a memorandum of compromise dated 21.11.2019. Based on the memorandum of compromise, the permanent Lok Adalat passed an award in No.1290 of 2019 on 10.12.2019. The memorandum of compromise reads as follows:-

"a) The suit properties situate in Salem District, Sankari Taluk, Edanganasalai Village, Survey No.489/2 of an extent of 0.80.0 hectares assessment of Rs.4.46 with one Well and 5 HP Electronic Motor Pumpset and Survey No.490/3B an extent of 0.76.0 hectare assessment Rs.4.23 one tiled house with all the easement rights shall stand allotted to the 1st respondent P.Rathinasamy morefully described as in suit property.

b) The suit property situate Salem District, Sankari Taluk, Edanganasalai Village, Survey No.484/11A extent 0.41.0 hectare assessment Rs.2.28 half share shall stand allotted to Amirtham who is 2nd appellant herein and remaining half share shall stand allotted to Appellant Nos.5 to 9 who are the legal heirs of the 1st Appellant Rajalakshmi in this suit property.

c) The 2nd respondent Thangam has received a sum of Rs.1,00,000/- (Rupees One Lakh Only) towards her share in the suit property.

d) The Respondents Nos.5 to 9 are received a sum of Rs.1,00,000/- (Rupees One Lakh only) towards their share as legal heirs of the 4th respondent deceased

Saroja share."

3. Accordingly, this second appeal is disposed of in accordance with the memorandum of compromise entered between the parties dated 21.11.2019. The memorandum of compromise shall forms part of the decree. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

***Encl: Xerox Copy of memo of Compromise.

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To:-

- 1.The I-Additional District Court, Salem
- 2.The Sub-Ordinate Judge, Sankari.

+1cc to Ms.Zeenath Begum, Advocate, Sr no.104377

+1cc to Mr.P.Jagadeesan, Advocate, sr no.104962

S.A.No. 865 of 2006
and M.P.Nos. 1 of 2006 & 1 of 2011

GJ(CO)
RMP(05/01/2021)

सत्यमेव जयते

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