

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.04.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

S.A.No.1442 of 2005

and

C.M.P.No.18839 of 2005

- 1.Meenakshisundaram [Deceased]
- 2.Arumugam
- 3.M.Senthilnathan
- 4.M.Shanmugam
- 5.M.Vijayan

[Appellants 3 to 5 brought on record as LRs of the deceased first appellant vide order of Court dated 11.12.2013 made in CMP.Nos.911 to 913 of 2012 in S.A.No.1442 of 2005]

...Appellants /Appellants/Defendants

Vs.

Kanniah Naidu and
Varadammal Kanniah Naidu Trust
by its Trustees

- 1.C.G.Rajendran

- 2.S.P.Sarathi (Died)

[R.Venkatesan was appointed as Trustee in the place of R2 vide order of Court dated 02.04.2019 made in CMP.6791/2019 in S.A.No.1442 of 2005]

- 3.K.Ethirajan

- 4.G.Rangarajan

[R.Sasirekha was appointed as Trustee in the place of R4 vide order of Court dated 02.04.2019 made in CMP.No.6791 of 2019 in S.A.No.1442 of 2005]

- 5.S.Venkatraman

...Respondents/Respondents/Plaintiffs

Prayer:- Second Appeal filed under Section 100 of C.P.C., against the decree and judgment dated 29.12.2004 in A.S.No.90 of 2003 on the file of the Court of Additional Sub Judge, Chengalpattu confirming the judgment and decree dated 31.01.2002 in O.S.No.353 of 1996 on the file of the District Munsif Cum Judicial Magistrate, Thirukkalukundram.

For Appellants : Mr.S.PL.Palaniappa

For RR1, R3 to R5 : Mr.V.Raghavachari

RR2 : Died

J U D G M E N T

Both appellants and respondents present in the Court with their counsel.

2. Terms of joint memo of compromise read over to the appellants and the respondents and admitted by them to be correct. In view of the above position, the joint memo of compromise filed by the appellants and the respondents is recorded.

3. In terms of the joint memo of compromise, the judgment and decree of the Courts below are set aside and resultantly the suit laid by the respondents in O.S.No.353 of 1996 on the file of the District Munsif Cum Judicial Magistrate Court, Thirukkalukundram is dismissed and accordingly the second appeal is allowed. No costs. The joint memo of compromise shall form part and parcel of the decree passed in the second appeal. Consequently, connected miscellaneous petition, if any, is closed.

mfa

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Additional Sub Judge,
Chengalpattu.

2.The District Munsif Cum Judicial Magistrate,
Thirukkalukundram.

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Copy to:-

The Section Officer,
VR Section,
High Court,
Chennai.

+5CCs to Mr.G.Sankar, Advocate, SR.No.37291/19

+1cc to Mr.V.Raghavachari, Advocate, SR.No.38064/19

S.A.No.1442 of 2005
and

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Kak(30/09/2019)



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