

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM:

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

S.A.No.69 of 2017

and

CMP.No.1146 of 2017

1.Yasodhamma
2.Kumar Reddy
3.Suresh Reddy
4.Jayalakshamma

..Appellants

vs.

1.Anusuya Devi
2.Dhamodhara Reddy
3.Karunakara
4.Ravi Kumar

..Respondents

PRAYER: Second Appeal filed under Section 100 of C.P.C., against the part of the decree and judgment dated 05.10.2015 made in A.S.No.7 of 2013 on the file of Sub Court, Hosur, Reversing the decree and judgment dated 27.02.2013 made in O.S.No.1 of 2006 on the file of the District Munsif Court, Hosur.

For Appellants : Mr.S.Sivashanmugam
For Respondents : Mr.D.Ramesh for R1 to R3
Mr.V.Lakshminarayanan
for Mr.V.Raghavachari for R4

J U D G M E N T

This Second Appeal is at the instance of the defendants 1 to 4. They have already sold the entire property to the 4th respondent in the appeal/ 5th defendant in the suit, Mr.Ravi Kumar.

2. Since the decree for partition was granted in favour of the plaintiffs viz., respondents 1 to 3, the defendants 1 to 4 who are the vendors of the 5th defendant have preferred this appeal. Pending this appeal, the respondents 1 to 3 viz., plaintiffs have settled the matter with the the 4th respondent/ 5th defendant and have also filed a compromise memo.

3. The respondents 1 to 4 are present. A perusal of the compromise memo shows that the respondents 1 to 3 have sold the

suit item 2 to the 4th defendant. The dispute in the Appeal is only with reference to the said item 2. In view of the said sale nothing survives in this Appeal. The respondents 1 to 4 have filed a compromise memo setting out the details of transactions.

4. In view of the same, nothing survives in the Appeal and hence, the Second Appeal is dismissed as settled out of court. ***The memorandum of compromise will form part of the order.** No costs. Consequently, the connected miscellaneous petition is also closed.

***Herein enclose xerox copy of
Memo of Compromise**

-s/d-

Assistant Registrar

Dated : 18/11/2019

***As per order of the Court dated 11/03/2020
para 4 is Corrected**

-s/d-

Assistant Registrar(CCC)

Dated : 17/03/2020

True Copy

Sub-Assistant Registrar

dsa

To

1. The Subordinate Judge,
Hosur

2. The Additional District Munsif,
Hosur

3. The Section Officer, V.R. Section,
High Court of Madras, Chennai 600 104.

+1 cc to Mr.D.Ramesh Kumar Advocate sr94203

+1 cc to Mr.V.Raghavachari Advocate sr94058

**Copies already
despatched on
28/11/2019 issue
fresh order copy as
order of this Court
dated 11/03/2020**

S.A.No.69 of 2017

aa18/11/2019

aa26/11/2019

GMV(17/03/2020)