



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fourteenth day of November Two Thousand Nineteen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU
AS(MD). No.38 of 2019

WEB COPY

RAJALEKSHMI
W/O.THANU PILLAI, NEW DOOR NO.18,
(OLD NO.11), WEST CAR STREET,
VADIVEESWARAM VILLAGE,
AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT ... Appellant / Respondent
No.2 / Defendant No.2
Vs

- 1 E.BALAKRISHNAN
S/O.LATE P.EASWARA PILLAI, MELAPALLA THERU,,
VADIVEESWARAM, VADIVEESWARAM VILLAGE,,
AGASTEESWARAM TK, K.K,DT.
- 2 E.SADHASIVAN
S/O.LATE EASWARA PILLAI, KEEZHAPALLA THERU,,
VADIVEESWARAM, VADIVEESWARAM VILLAGE,,
AGASTEESWARAM TK, K.K,DT. ... Respondents 1 & 2 /
Petitioners 1 & 2/ Plaintiffs 1 & 2
- 3 SETHULEKSHMI
W/O.V.VELAYUDHAN PILLAI, 22B, PILLAYARCOIL,
THERU, NEAR SIVASAKTHI MANDAPAM, EAST CAR ST,,
VADIVEESWARAM, AGASTEESWARAM TK, K.K,DT.
- 4 CHANDRA
W/O.LATE RAMACHANDRAN, NO.11/P-5B, KENNEDY,
THERU, MELARAMANPUTHOOR, NAGARCOIL 629 004,,
NAGERCOIL VILLAGE, AGASTEESWARAM TK, K.K.DT.
- 5 SATHIA
D/O.RAMACHANDRAN, NO.11/P-5B, KENNEDY THERU,,
MELARAMANPUTHOOR, NAGARCOIL 629 004,,
NAGERCOIL VILLAGE, AGASTEESWARAM TK, K.K.DT.
- 6 CHENTHIL
S/O.RAMACHANDRAN, NO.11/P-5B, KENNEDY THERU,,
MELARAMANPUTHOOR, NAGARCOIL 629 004,,
NAGERCOIL VILLAGE, AGASTEESWARAM TK, K.K.DT.
- 7 SARATHY (MINOR), S/O.SUJA,
NO.11/P-5B, KENNEDY THERU, MELARAMANPUTHOOR,,
NAGARCOIL - 629 004 , AGASTEESWARAM TK, K.K.DT (REP.BY,
MATERNAL GRAND FATHER, CHANDRA,



THE 4TH RES).

8 SABARI (MINOR), S/O.SUJA,
NO.11/P-5B, KENNEDY THERU, MELARAMANPUTHOOR,,
NAGARCOIL - 629 004 , AGASTEESWARAM TK, K.K.DT (REP.BY,
HIS MOTHER MATERNAL GRAND FATHER, CHANDRA,
THE 4TH RES).

9 SARAVANAN, H/O.SUJA, C/O.CHAND
RA, D.NO.11/8-58, NO.11/P-5B, KENNEDY THERU,,
MELARAMANPUTHOOR, NAGARCOIL 629 004,,
NAGERCOIL VILLAGE, AGASTEESWARAM TK, K.K.DT.

... Respondent 3 to 9 / Respondents 1 &
3 to 8 / Defendants 1 and 3 to 8

(Respondent 3 Ex-parte vide EB
(minors 7 & 8 rep by R4)

Prayer:- Appeal Suit filed under Section 96 of Civil Procedure Code, against the judgment and decree dated 07.08.2018 of the Principal District Judge, Kanniyakumari District at Nagercoil, and made in I.A. Nos.343 of 2016 in O.S. No.26 of 2010.

DECREE:-

This Appeal Suit having come up for final hearing on this date, in the presence of Mr.K.N.Thampi, Advocate for Appellant and of Mr.R.Murugan, Advocate for first and second respondents Mr.V.George Raja, Advocate for fourth to ninth respondents and a compromise memo dated 10.11.2019 vide CMP(MD) No.10534 of 2019 having been filed before this court by the Petitioner and the first and second respondents and upon perusing the grounds of appeal as well as the order and decree of the Court below and the records relating to the case, and this Court while disposing of the Appeal Suit in terms of the Compromise Memo, doth order and decree as follows:-

(1) That towards her share in the Suit properties in the abovesaid O.S. No.26 of 2010, the appellant, namely Rajalekshmi, be and hereby is allotted and hence does have the plot marked as MBCDKLM in the plan hereto attached, and having an area of 41.590 cents (forty-one cents and five hundred and ninety square links), the plot marked as ABMA in the said plan, and having an area of 300 (three hundred) square links, in item No.1 (paddy field) of the suit properties, and the entire item No.2 of the Suit properties.

(2) that towards their share in the suit properties in the abovesaid O.S. No.26 of 2010, respondents 1 and 2, namely, E.Balakrishnan and E.Sadhasivan, together be and hereby are allotted and hence do have the plot marked as KDEFGJK in the said plan and having an area of 27.730 cents (twenty seven cents and seven hundred and thirty square links) and the plot marked as JGFHIJ in the said plan, and having an area of 940 (nine hundred and forty) square



links, in Item No.1 (paddy field) of the suit properties.

(3) That towards equalization of share-value, the appellant paid to the respondents 1 and 2 together a sum of Rs.6,00,000/- (Rupees Six Lakh only) in cash on 09.08.2019 (the ninth day of August, two thousand and nineteen), and pays to the first respondent a sum of Rs.10,00,000/- (Rupees Ten lakhs only) by means of account-payee demand draft No.009666 dated 02.11.2019, issued by Corporation Bank, Nagercoil, in his favour, and to the second respondent a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) by means of account-payee demand draft No.009665 dated 02.11.2019, issued by Corporation Bank, Nagercoil, in his favour, thus making a total of Rs.26,00,000/- (Rupees Twenty six lakh only) and the Respondents 1 and 2 agree to the said sum of Rs.26,00,000/- (Rupees Twenty six lakh only) for relinquishment of their entire rights in item No.2 of the suit properties in the above-said O.S. No.26 of 2010.

(4) That the Plan attached to the compromise memo be and hereby is made part and parcel of the decree in the suit.

(5) That the parties agree to a decree, as stated above, in modification of the final order and final decree dated 07.08.2018 of the Principal District Judge, Kanniyakumari District at Nagercoil, and made in I.A. No.343 of 2016 in O.S. No.26 of 2010 .

(6) That the respondents 3 to 6 and 8 in the above A.S. remained ex-parte in I.A. No.343 of 2016 in O.S. No.26 of 2010 on the file of the Court of the District Judge of Kanniyakumari at Nagercoil, and respondents 3 to 9 in the above A.S. Were not granted any relief in the said I.A., and are not granted any relief in the O.S.

(7) That the respondents 3 to 9 are given up in the memorandum of compromise.

(8) That the parties do agree that E.P. No.4 of 2019 in O.S. No.26 of 2010 on the file of the Court of the District Judge, Kanniyakumari at Nagercoil shall stand terminated.

(9) That the parties do agree to suffer their respective costs.

(10) That there be no costs, in this Appeal Suit.

Schedule of Property

District	:Kanyakumari
Regin.District	:Kanyakumari
Taluk	:Agasteesawaram
Village	:Marungoor
O.S.No.	:197



R.S.No. :6/5
 Extent :68 cents
 Areas :84.56 cents equivalent to
 0.34.23.754
 Description :மேற்படி சர்வேயில் (68 சென்று) அறுபத்தி எட்டு
 சென்று இருபோகம் நஞ்சை நிலம்

Boundaries:

North :Thanumalaya perumal's enjoyment
 land
 West :Kal
 South :Sooriya kannu and Chockalingam's
 Lands
 East :Sivanu Ganapathy Asari land.

Item No.2

District :Kanyakumari
 Regn.District :Kanniyakumari
 Taluk :Agasteeswaram
 Village :Vadiveeswaram
 R.S.No. :Q/13-137
 Old Sy.No :1679/3704
 Extent :1 ½ cents
 Door No. :Old No.11, New No.18

Description:

மேற்படி சர்வேயில் ஒன்றரை சென்றுக்கு சமமான 653.4 சதுர அடி மனையும், அதிலிருக்கும் என். எம். சி. 13/11ம் புதிய எண் 13/18 நம்பர் கொடுக்கப்பட்ட ஒட்டுப்பணி கெட்டிடங்களும், அதிலிருக்கும் மின்சார விளக்குகளும், அதற்குரிய மீட்டரும், தண்ணீர் குழாயும், அதற்குரிய மீட்டரும் கூடியள்ள சொத்து.

Boundaries:

North :Lekshmanan Chettiar's House
 West :Mela Rathaveethi
 South :Bagavathiammai's House
 East :Bagavathiammai's House

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

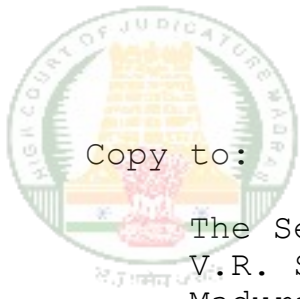
Sub Assistant Registrar(CS)

To

The Principal District Judge,
 Kanniyakumari District at Nagercoil.

(Xerox copy of the Compromise memo is annexed)

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.K.N.THAMPI, Advocate (SR-98172 dated 14/11/2019)

+1 CC to M/s.R.MURUGAN, Advocate (SR-98364 dated 14/11/2019)

ORDER DATED : 14/11/2019

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COMPROMISE DECREE

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AS(MD). No.38 of 2019

Nature of Decree:- Disposing
the Appeal Suit preferred
against the order and final
decree of the Principal
District Judge, Kanniyakumari
District at Nagercoil made
in I.A. Nos.343 of 2016 in
O.S. No.26 of 2010 etc., as
stated within.

KK/SAR/13.01.2020/5P-6C/