



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2019

CORAM

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

S.A. (MD)No.610 of 2016

WEB COPY

Maria Jegajothi

... Appellant/Appellant/Plaintiff

Vs.

1.State of Tamil Nadu,
represented though its District Collector,
Collectorate, Tuticorin, Tuticorin District.

2.The Tahsildar,
Tahsildar Office,
Kovilpatti, Kovilpatti Taluk,
Tuticorin District.

3.Alagarsamy ... Respondents/Respondents/Defendants

Prayer: Second Appeal is filed under Section 100 of Civil Procedure Code, 1908, to set aside the judgment and decree, dated 23.02.2016, passed in A.S.No.29 of 2014 on the file of the Subordinate Court, Kovilpatti, confirming the judgment and decree, dated 11.07.2014 passed in O.S.No.291 of 2013 on the file of the District Munsif Court, Kovilpatti.

For Appellant	:Mr.V.Meenakshi Sundaram for Mr.D.Nallathambi
For R1 and R2	:Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R3	:Mr.F.X.Eugene

JUDGMENT

The plaintiff in O.S.No.291 of 2013 on the file of the District Munsif Court, Kovilpatti, has preferred the above appeal against the judgment and decree passed in A.S.No.29 of 2014 passed by the Subordinate Court, Kovilpatti, confirming the judgment and decree in O.S.No.291 of 2013.

2.The suit was filed for declaring the plaintiff/appellant as the legal representative of the deceased Neelapushpam and for mandatory injunction to issue legal heir certificate in her favour and for other consequential reliefs. The suit was dismissed and the appeal was also dismissed. However, during the pendency of this second appeal, the parties have decided to settle their dispute amicably.

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



3. Accordingly, a memo of compromise, dated 23.08.2019, produced before this Court and in the said memo, the appellant and the third respondent have signed in the presence of their respective Counsel. Though the suit is for mandatory injunction as against the second respondent, the appellant has given up as against the respondents 1 and 2. Hence, they are not parties to the joint compromise memo. The appellant and the third respondent, who are the parties to the Joint Compromise Memo, are present before this Court. The parties have also acknowledged their signature in the joint compromise memo and agreed that they signed the joint compromise memo out of their own free will and volition. As per Joint Compromise Memo, the parties have agreed to the following terms:

"a) The 3rd Respondent/Alagarsamy admitted that the Appellant / Maria Jegajothi is the only legal heir of the deceased Neelapushpam under Hindu Succession Act.

b) The 3rd Respondent / Alagarsamy have no objection to get legal heir certificate for the deceased Neelapushbam as the Appellant Maria Jegajothi is the only legal heir of the deceased Neelapushbam and the 3rd Respondent/Alagarsamy would not claim any right as legal heir of the deceased Neelapushbam.

c) The Appellant/Maria Jegajothi would not claim any rights in respect of immovable property which belongs to the 3rd Respondent/Alagarsamy and she would not claim any personal rights in the properties of the 3rd Respondent/Alagarsamy as legal heir under Hindu Succession Act or any other Succession Rights."

4. The parties as well as the Counsel on either side jointly requested that the above second appeal may be dismissed as withdrawn in terms of the joint compromise memo. Accordingly, this Second appeal is dismissed as withdrawn in terms of the joint compromise memo, dated 23.08.2019. The joint compromise memo, dated 23.08.2019, signed by both parties shall form part of this judgment. No costs.

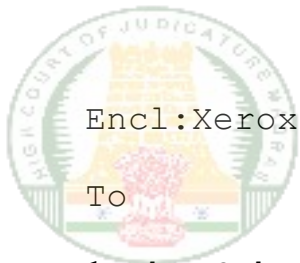
Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

cmr



Encl:Xerox copy of Joint Compromise memo

To

1.The Subordinate Judge, Kovilpatti.

2.The District Munsif, Kovilpatti.

3.The District Collector,
State of Tamil Nadu,
Collectorate, Tuticorin, Tuticorin District.

4.The Tahsildar,
Tahsildar Office,
Kovilpatti, Kovilpatti Taluk,
Tuticorin District.

Copy to

The Section Officer,-2 copies
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-84428[F] dated 30/08/2019)

+1 CC to M/s.SPL GP (SR-84507[F] dated 30/08/2019)

+1 CC to M/s.F. X. EUGENE, Advocate (SR-84908[F] dated 03/09/2019)

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