



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

SA(MD)No.151 of 2008

VIJAYA ... Appellant / Appellant / Defendant

/ VERSUS /

PARAMESWARAN @ BHASKARAN ... Respondent / Respondent / Plaintiff

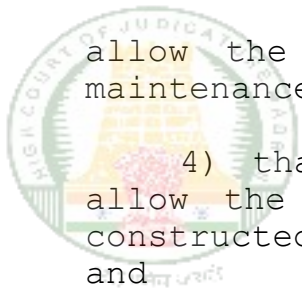
Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Principal Subordinate Court, Nagercoil dated 16.07.2007 made in Appeal Suit No.83/90, preferred against the judgment and decree of the court of the Principal District Munsif, Nagercoil made in Original Suit No.741 of 1989 dated 28.08.1990

DECREE: This Second Appeal coming upon for hearing on this day in the presence of MR.P.THIYAGARAJAN, ADVOCATE FOR APPELLANT and MR.D.NALLATHAMBI, ADVOCATE FOR THE RESPONDENT having settled their differences and entered into a compromise between themselves and through their respective counsels and having filed the memo of compromise duly signed by the parties as well as their Advocates and upon perusing the grounds of Appeal and the judgments and decrees of the Appellate Court and the Court of First Instance and the records relating to the case and the memo of compromise, this Court while disposing the Second Appeal by recording the said Memo of Compromise in Original which is annexed herewith doth order and decree as follows:-

1) That, the Appellant / Defendant be and hereby are agreed to remove the offending construction put up by her on the North South 'CD'granite wall within a period of four months ;

2) that, the Appellant / Defendant be and hereby agreed to accept the Respondent / Defendant's easementary right over the 'B; schedule pathway and agreed to allow the Respondent / Plaintiff and their successors to use the said pathway to maintain their North South wall without any objections and without causing any damage to the 'B'schedule pathway ;

3) that, the Respondent / Plaintiff be and hereby agreed to inform the Appellant / Defendant with regard to his proposed maintenance work and whitewashing of the North South wall in advance and if such request the Appellant / Defendant agreed to



allow the respondent / Plaintiff and their men to perform the maintenance work without any hesitation ;

4) that, the Respondent / Plaintiff be and hereby agreed to allow the Appellant / Defendant to retain the 4 1/2 inch wall constructed touching the plaintiff's North South 'CD' granite wall and

5) That, there be no costs in this Second Appeal.

SCHEDULE OF PROPERTY

A Schedule Number	1	1
District	: Kanyakumari	Do.
Taluk	: Agasteeswaram	Do.
Village	: Vadasery	Do.
Lekkom	: ---	--
Inam	: ---	--
Sy.No.Now	: T.S.No.C-8/16	T.S.No.c8/22
Area	: About 149 Sq.feet.	About 181 Sq.feet.

Description:

The eastern building and also the compound wall comprised in door N.M.C.No.7/1-74 shown in letters CDEF marked red and blue coloured in the plan and also the eves in the E.F. Portion of the wall with a width of 1 ½ ft. projecting in the B Schedule Property.

The north south pathway from the street having a width of about 3 feet with gate shown in letter DEFGH in the plan.

Boundaries:

North	:	Plaintiff's property	Defendant's property
South	:	Street	Street
East	:	Defendant's property	Arumugam Chettiar and Muthulakshmi Property
West	:	Plaintiff's property	Plaintiff's property

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl.: Ex.A.1 PLAN and COMMISSIONER'S REPORT, DATED 02/07/2007



TO

1. The Principal Subordinate Judge, Nagercoil.
2. The Principal District Munsif, Nagercoil

Copy to:

WEB COPY

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+ CC to M/s.D.NALLATHAMBI, Advocate (SR-8819, 8912 dated 27/02/2020)

+1 CC to M/s.P.THIAGARAJAN, Advocate (SR-9357 dated 28/02/2020)

ORDER DATED : 26/02/2020

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DECREE
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SA(MD)No.151 of 2008

Nature of Decree:-
Disposing the Second Appeal in terms of compromise, preferred against against the judgment and decree of the Principal Subordinate Court, Nagercoil dated 16.07.2007 made in Appeal Suit No.83/90, preferred against the judgment and decree of the court of the Principal District Munsif, Nagercoil made in Original Suit No.741 of 1989 dated 28.08.1990 etc., as stated within.

SGS (CO)
TR(22.07.2020) 3P 7C