



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

S.A. (MD) .No.1180 of 2009

and

M.P. (MD) .No.1 of 2009

WEB COPY

Sutharathinam Pillai (died) ... Appellant/Appellant/
Plaintiff

2.Ponnammal

3.Sankar

4.Subramani

...Appellants

Vs.

1.Menambal (died)

2.Veerapathira Pillai
Defendants

... Respondents/ Respondents/

3.Veluchamy Pillai

... Respondent

[Appellants 2 to 4 are brought as LRs of the deceased first appellant vide order dated 30.01.2019, in CMP(MD). Nos.12357 & 12358/2018 and R3 is brought as the LR of the deceased R1 in M.P(MD). No.2 of 2012 in S.A.(MD).No.1180 of 2009 vide order dated 30.01.2019]

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgement and Decree dated 07.03.2008 passed in A.S.No.48 of 2006 on the file of the learned Principal District Judge, Tiruchirappalli, confirming the Judgment and Decree, dated 28.09.2005 passed in O.S.No.580 of 1996 on the file of the learned District Munsif-cum-Judicial Magistrate, Lalgudi.

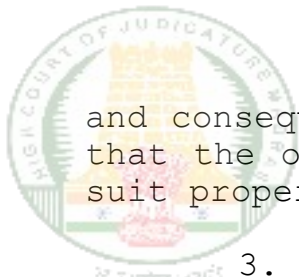
For Appellants : Mr.M.Saravanan

For R2 : Mr.P.Jeyaprakash Narayanan

For R3 : No appearance

JUDGMENT

This second appeal has been preferred against the concurrent judgements and decrees passed in O.S.No.580 of 1996 by the learned District Munsif-cum-Judicial Magistrate, Lalgudi and in A.S.No.48 of 2006 by the Principal District Judge, Tiruchirappalli.



and consequently they filed a compromise memo, in which they stated that the other parties are given up their rights in respect of the suit property.

3. As per compromise memo, the fourth appellant and the second respondent are present and they have been identified by their respective counsel and the terms of compromise have been read over to them and they accepted that all the terms of compromise are genuine. Under the said circumstances, the terms of compromise memo can be recorded.

4. A rough sketch also annexed with the said memo and the same is also taken on file. There shall be a decree in terms of memo of compromise whereby the blue coloured portion in the rough sketch be allotted to the second respondent and green coloured portion in the rough sketch be allotted to the fourth appellant. With regard to the red and pink coloured portion, the parties shall enjoy the same in common as per the terms of the memo of compromise and the memo of compromise shall form a part of this order.

5. In fine, this Second appeal is partly allowed to the extent indicated as per the compromise memo and the registry is directed to annex the terms of compromise with decree. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Encl: Xerox copy of Joint compromise memo

To

1.The Principal District Judge,
Tiruchirappalli.

2.The District Munsif-cum-Judicial Magistrate,
Lalgudi.

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-11232[F] dated 12/03/2020)

S.A. (MD) .No.1180 of 2009

11.03.2020

VB(18/05/2020) 2P 6C