

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**S.A.(MD).No.639 of 2011****and****M.P.(MD).Nos. 2 and 3 of 2011 AND 1 of 2012**

1.Renjitham
2.Rajathi
3.Jothi
4.Revathi

..Appellants 1 & 4/Respondents/
Defendants

5.K.Suyamboo

5th Appellant is impleaded as a party
in this appeal vide Court order dated 23.10.2019
made in C.M.P.No.8188 of 2019 in
S.A.(MD).No.639 of 2011. ... 5th Appellant

Vs.

G.Thanga Sarojini

... Respondent/Appellant/2nd Plaintiff

Prayer: The Second Appeal filed under Section 100 of Civil Procedure Code against the decree and judgment passed in A.S.No.24 of 2007 on the file of the Additional Sub Court, Nagercoil, dated 16.03.2011, reversing the judgment and decree passed in O.S.No.662 of 2004 on the file of Ist Additional District Munsif Court, Nagercoil, dated 15.11.2006.

For 5th appellant : Mr.D.Nallathambi

For Respondent : Mrs.P.Jessi Jeevapriya

J U D G M E N T

The second appeal has been filed against the judgment and decree passed in A.S.No.24 of 2007 on the file of the Additional Sub Court, Nagercoil, dated 16.03.2011, reversing the judgment and decree passed in O.S.No.662 of 2004 on the file of the I Additional District Munsif Court, Nagercoil, dated 15.11.2006.

2. When the appeal is taken up for hearing today, the 5th appellant and the respondent are present before this Court and made a statement that they agreed to settle the matter amicably. They also filed a joint compromise memo, dated 24.02.2020, duly signed by both the 5th appellant and the respondent and counter signed by their respective counsel.

3. The present appeal has been filed as against the judgment of the first appellate Court, holding that the sale deed in favour of the 5th appellant, and he said to have purchased the property from the appellants 1 to 4. Now, the 5th appellant and the respondent have entered into a compromise in respect of 45 cents describing 'C' and



'D' schedule properties. Since the appellants 1 to 4 have already sold the property to the 5th appellant, they are not necessary parties to this compromise.

4. In view of the above, the Second Appeal is disposed of, in terms of the joint compromise memo. The joint compromise memo, dated 24.02.2020, shall form part of the decree and judgment and the plan appended to the joint compromise memo also shall form part of the decree and judgment. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl: Xerox Copy of Joint Compromise Memo and Plan

akv

To

1.The Additional Subordinate Judge, Nagercoil.

2.The Ist Additional District Munsif, Nagercoil.

Copy to: The Section Officer, V.R.Section (2 copies)
Madurai Bench of Madras High Court, Madurai.

+5 CC to M/s.D.NALLATHAMBI, Advocate (SR-8229,8164, 8153

+1 CC to M/s.G.ARAVINDAN, Advocate (SR-8465[F] dated 26/02/2020)

S.A. (MD) .No.639 of 2011

24.02.2020

sma/13/03/2020/2p/11c