



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WEB COPY

S.A. (MD) .No.79 of 2014

and

M.P. (MD) .No.1 of 2014

Esakkiammal

... Appellant/Appellant/Plaintiff

Vs.

1.Gopal Doss

2.Babu

3.Radhakrishnan

... Respondents/Respondents/Defendants

Prayer: The second appeal filed under Section 100 of C.P.C., against the judgment and decree dated 13.07.2011 passed in A.S.No.29 of 2011 on the file of the Principal Sub Court, Tirunelveli, confirming the judgment and decree dated 07.01.2011 passed in O.S.No.479 of 2007 on the file of the Principal District Munsif Court, Tirunelveli.

For Appellant : Mr.H.Arumugam

For R3 : Mr.S.Ponsenthil Kumaran

J U D G M E N T

When the matter is taken up for hearing today, the appellant and the third respondent are present before this Court and filed a joint compromise memo signed by both parties and attested by the respective counsel. It is admitted by both sides that the second respondent had already executed the right in favour of the third respondent/defendant and now, the decree was also in favour of the third defendant. The appellant and the third respondent/defendant have entered into a joint compromise memo, which reads as follows:

Terms of Compromise

"1.That the 2nd schedule property shall absolutely belong to 3rd respondent herein as held in the Counter Claim in O.S.No.479 of 2007 on the file of the Principal District Munsif Court, Tirunelveli and confirmed in A.S.No.29 of 2011 on the file of the Principal Sub Court, Tirunelveli.

2.That the appellant shall have no proprietary right over the 2nd schedule property.

3.That the appellant shall not put up any door way on the southern wall of her house facing the 2nd schedule property. But she is entitled to put up windows in the



southern wall, facing the 2nd schedule property.

4.That the sunshade of the windows to be fixed on the southern wall of the appellant's house shall not protrude in to the 2nd schedule property.

5.That the appellant and his successor-in-interest shall take permission from the 3rd respondent herein to access the 2nd schedule property through the door fixed by the 3rd respondent on the western side, only for the purpose of white washing and maintenance of southern wall of appellant's house. Such a request can be made by oral information or in writing if necessary.

It is therefore, prayed that this Hon'ble Court may be pleased to dispose the appeal by recording the above compromise and thus render justice.

Dated at Madurai on this the 13th day of February 2020."

2.In view of the above, the Second Appeal is disposed of in terms of compromise memo. The joint compromise memo filed by the appellant and the third defendant is recorded and the same shall form part and parcel of the judgment. No costs. Consequently, connected miscellaneous petition is closed.

3.The Registry is directed to draft the decree in terms of the compromise memo.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Subordinate Judge,
Tirunelveli.

2.The Principal District Munsif,
Tirunelveli.

Copy to:

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

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



S.A.(MD).No.79 of 2014

+1 CC to Mr.S.PON SENTHILKUMARAN, Advocate (SR-6288[F] dated 14/02/2020)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-6667[F] dated 17/02/2020)

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MK (11.03.2020) 3P 7C