



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fifth day of November Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr. Justice R. MAHADEVAN

SA(MD) . No.345 of 2018

1 M. LOURDUSAMY

2 MOTCHAM

3 PETER RAJAN

4 STEPHEN ADAIKKALARAJ

...Appellants/Respondents 1 to 4 / Plaintiffs 2 to 5

Vs

NAINA MOHAMMED (DIED)

...1st Respondent/1st Appellant/Deceased Sole Defendant

1 SAFIA BIBI

2 NOOR NABISHA

3 UDHUMAN

4 SOWDHA BIVI

5 JAFFER SADIQ

6 JAFFER NEESAMMA

7 SHEIK DAVOOD

8 FATHIMUTHU JOHARA

9 SHEIK MAIDEEN

10 MARINA BEGUM

...Respondents Nos.1 to 10/Appellants

Nos.1 to 10/LR's of Sole Defendant

11 JAMES FRANKLIN RAJA

...Respondent No.11/Respondent No.5/Plaintiff No.6

(CAUSE TITLE IS AMENDED VIDE COURT ORDER DATED

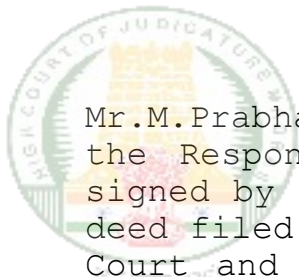
05.11.2020 MADE IN CMP(MD) .No.5531 of 2020)

Prayer in S.A(MD) .No.345 of 2018

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 29.01.2016 in A.S. No.163 of 2011 on the file of the II Additional Subordinate Judge, Trichirappalli reversing the Judgment and Decree dated 11.07.2011 made in O.S. No.108 of 1993, on the file of the District Munsif, Manapparai.

DECREE:-

Second Appeal having come up for final hearing on this date, in the presence of Mr.T.Antony Arul Raj, Advocate for the Appellant and of Mr.N.Mohan, Advocate for the Respondents No.1 to 10 and of



Mr.M.Prabhakaran, Advocate for the 11th Respondent and appellants and the Respondents enter into compromise deed dated 11.10.2020 duly signed by the parties as well as by their Advocates, the compromise deed filed vide in C.M.P.No.5532 of 2020 and file the same into this Court and prayed for decree interms of Compromise. On perusal of said compromise the appellant/plaintiff herein having paid a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only) to the Respondent/defendant as compensation and costs in full and final quit of all his claims and received said sum by the respondent/defendant herein. Upon in pursuance of Second Appeal grounds, judgment and decree of the court below and records in this case and memorandum of compromise the original annexed hereto, this Court doth record the said memorandum of compromise interms thereof and disposing of the Second Appeal, order and decree as follows:

1 That the judgment and decree of the lower appellate Court be and hereby is set aside and the trial court do stand restored;

2 That the suit property more fully described the schedule in decree of the court below do belongs to the appellants/plaintiffs;

3 That the respondents/defendants have agreed that neither they nor their heirs and their representative have no rights or claims or entitlement over the property more fully described in decree of the court's below;

4 That the respondents/defendants nor their heirs and the representative shall not cause and disturbances to the appellants/plaintiffs do have right to sell the suit property to any person as their wish and to make all the transaction of the suit property.

5 That the respondents/defendants have assured that either they or their heirs and their representatives shall not have object or make disturbance to the above mentioned transaction;

6 That it may change the Revenue documents either in the name of the appellants/plaintiffs or their heirs or the purchaser who purchased the same from them;

7 That the respondents/defendants have assured that neither they nor their representatives should have involved in any kind of issues in respect of suit of at any point of time and that they shall act as per this compromise agreement and;

8 That there be no costs in Second Appeal.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ENCL.:Xerox copy of the Joint Compromise



To

1) The II Additional Subordinate Judge, Thiruchirappalli.

2) The District Munsif, Manapparai.

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai (+2 Copies)

+1cc to Mr.T,Antony Arul Raj, Advocate SR No.21349

ORDER DATED : 05/11/2020

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COMPROMISE DECREE

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SA(MD) . No.345 of 2018

Nature of Decree:- Disposing the Second Appeal against the judgment and decree dated 29.01.2016 in A.S. No.163 of 2011 on the file of the II Additional Subordinate Judge, Trichirappalli reversing the Judgment and Decree dated 11.07.2011 made in O.S. No.108 of 1993, on the file of the District Munsif, Manapparai etc., as stated within.

ns (CO)

TR(25.02.2021) 3P 6C