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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.No.2030 of 1999

Murugesan @ Kuppa Gounder ... Appellant/2nd Defendant
Vs.

- 1.Dhandapani @ Nedunchezian
- 2.Govindan (Deceased)
- 3.Pattu Ammal (Died)
- 4.Pattu Ammal
- 5.Selvam
- 6.Kamalanathan
- 7.Valarmathi
- 8.Meera @ Rajeswari
- 9.Vennaila

(RR4 to 9 brought on record as LRs of the Deceased R2 vide order of this Court dated 12.01.2018 made in CMP.No.326 to 328/2015 in SA.No.2030 of 1999)

- 10.Thamilarasi
- 11.Gobi
- 12.Veerabathiran
- 13.Kathiravan
- 14.Prakash

... Respondents

(RR 10 to 14 brought on record as Lrs of the deceased R3 viz., Pattu Ammal vide order of Court dated 10.03.2020 made in CMP.No. 3112, 3115 and 3119/2020 in SA.No. 2030/1999)

PRAYER: This Second Appeal has been filed under Section 100 of Code of Civil Procedure against the Judgment and decree dated 23.08.1999 passed in A.S.No.37 of 1998 on the file of the Principal District Court, Tiruvannamalai in reversing the judgment and decree dated 19.11.1997 passed in O.S.No.115 of 1987 on the file of the Sub Court, Tiruvannamalai.

For Appellant	:	Mr.D.Mani
For R1	:	Ms.Rajalakshmi
		for M/s.Sarvabhuman Associates
For R2, R3 & R4	:	Died
For R5 to R14	:	No appearance

JUDGMENT

Both the parties appeared before this Court yesterday i.e., on 10.02.2021 and the matter was posted today (11.02.2021). The Joint Memo of Compromise filed yesterday (10.02.2021) was taken before this Court.



2. Heard the learned counsel for the appellant and the learned counsel for the first respondent and the Joint Memo of Compromise entered between the parties viz., appellant and the first respondent are taken on the file.

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3. In respect of the suit claim, the first respondent/plaintiff has received a sum of Rs.4,25,000/- and as an acknowledgment, the receipt of the same is produced in Paragraph No.4 of the Joint Compromise Memo.

4. In view of the Joint Compromise Memo, the judgment and decree passed in A.S.No.37 of 1998, on the file of the Principal District Court, Tiruvannamalai, is set aside and the Judgment and decree passed in the suit in O.S.No. 115 of 1987, on the file of the Sub Court, Tiruvannamalai, dated 19.11.1997 is restored.

5. In consequence therefor, the Second Appeal is allowed, the suit in O.S.No.115 of 1987 stands restored. The first respondent and his legal heirs shall not make any claim in respect of the suit property as per the Paragraph No.6 of the Joint Memo of Compromise and the Joint Compromise Memo shall form part of the decree.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Compromise Memo

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To

1. The Principal District Judge,
Tiruvannamalai.

2. The Sub Judge, Tiruvannamalai.

Copy To

The Section Officer,
V.R. Section, High Court,
Madras. (2 copies)

+1cc to Mr.P.Mani, Advocate, S.R.No. 8236

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No. 8379

S.A.No.2030 of 1999