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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

SA NOS.412 OF 2012 AND 651 OF 2017
AND MP NO.1 OF 2013

SA NO.412 / 2012

Marudhavanan ... Appellant/Respondent/Plaintiff

VS.

Selvanayakam ... Respondent/Appellant/1st Defendant

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure against the judgment and decree of the Additional Subordinate Judge, Mayiladuthurai, dated 29.07.2011 in A.S.No.4 of 2010 reversing the judgment and decree of the Principal District Munsif Court, Mayiladuthurai, dated 04.11.2009 in O.S.No.383 of 2008.

For Appellant : Mr.S.Sounthar

For Respondent: Mr.A.Muthukumar

SA NO.651 / 2017

Selvanayakam ... Appellant/1st Appellant/1st Plaintiff

VS.

1.Marudhavanan

2.Ulaganayagi

3.Sundari

4.Meenakshi ... Respondents/Respondents /Appellants 2 to 4
Defendant & Plaintiffs 2 to 4

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure against the judgment and decree passed in A.S.No.118 of 2010 dated 18.11.2011 on the file of the Court of Additional Subordinate Judge, Mayiladuthurai, in confirming the judgment and decree passed in O.S.No.111 of 2009 dated 20.04.2010 on the file of the Court of Principal District Munsif, Mayiladuthurai.



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For Appellant	:	Mr.A.Muthukumar
For Respondent R1	:	Mr.S.Sounthar
RR2 to R4	:	Mr.S.Vijay Anand

COMMON JUDGMENT

Both the parties after negotiations have arrived at a mutually agreeable settlement and filed a joint compromise memo dated 22.08.2021, duly signed, with the attestation of their respective counsels.

2.The terms of settlement as per the joint compromise memo filed by the appellant and the respondents, reads as under:

"Joint Compromise Memo filed by the Appellant and Respondents in SA 412 of 2012 & SA 651 of 2017

At the advice of elders, family members and well wishers of both sides, the parties have settled their disputes amicably on the following terms:

1.The Appellant in SA 651 of 2017 & Sole Respondent in SA 412 of 2012, namely Selvanayagam and Respondents 2 to 4 in SA 651 of 2017 namely Ulaganayagi, Sundari and Meenakshi hereby admit and acknowledge the absolute title, ownership and exclusive possession of the Appellant in SA 412 of 2012 and 1st respondent in SA 651 of 2017, namely Marudhavanan, over the suit property in OS 111/2009, on the file of Principal District Munsif Court, Mayiladuthurai, out of which SA 651 of 2017 arises.

2.The said Selvanayagam, Ulaganayagi, Sundari and Meenakshi agree that said Marudhavanan or any person claiming under him can exclusively enjoy the suit property in OS 111/2009 as absolute Owner without any disturbance from said Selvanayagam, Ulaganayagi, Sundari and Meenakshi or anybody claiming through them.

3.The Appellant in SA 412 of 2012 and 1st respondent in SA 651 of 2017 namely Marudhavanan and the respondents 2 to 4 in SA 651 of 2017, namely Ulaganayagi, Sundari and Meenakshi acknowledge and admit the absolute title, ownership and exclusive possession of the appellant in SA 651 of 2017 & Sole Respondent in



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SA 412 of 2012, namely Selvanayagam over the suit property in O.S.No.383 of 2008, on the file of Principal District Munsif, Mayiladuthurai out of which S.A.412 of 2012 arises.

4.The said Marudhavanan, Ulaganayagi, Sundari and Meenakshi agree that said Selvanayagam and any person claiming under him can exclusively enjoy the suit property in OS 383 of 2008 as absolute Owner without any disturbance from said Marudhavanan, Ulaganayagi, Sundari and Meenakshi or anybody claiming through them.

5.The parties shall produce this compromise memo before High Court, Madras and request the court to pass a compromise decree in both the above second appeals.

It is therefore prayed that This Hon'ble Court may be pleased to dispose the above Second Appeals on above terms without costs and thus render justice.

Dated at Mayiladuthurai on this 22nd day of August 2021."

3. Both the Second Appeals are disposed of in terms of the joint compromise memo dated 22.08.2021 and the joint compromise memo of compromise shall form part of the judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Joint Compromise Memo dated:22/08/2021
TK

To

1.The Additional Subordinate Judge
Additional Sub Court
Mayiladuthurai.

2.The Principal District Munsif
Principal District Munsif Court
Mayiladuthurai.



Copy To

The Section Officer,
VR Section,
High Court, Madras.

+2cc to Mr.S.Sounthar, , Advocate SR.No.45956, 45957
+1cc to Mr.A.Muthukumar, , Advocate SR.No.46043

SA NOS.412 OF 2012 & 651 OF 2017

AJS(CO)
GN(05/01/2022)