

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

S.A.NOS.1012 & 1037 OF 2015

Mrs.Kumari
W/o.J.Sadagopan

... Appellant/
Plaintiff

Vs.

1. Selvam
2. Ramachandiran
S/o.Narayanan
3. Billy Graham
4. Mahendiran
5. Bhaskaran
6. Pandian
7. Varadharajan
8. Paulsingh
9. E.Hiya
10. Karunakaran
11. Veeraraghavan
12. Mohan
13. Nagarathinam
14. Abdul Rahman
15. Subramani
16. Rajasekar
17. Vasantha
18. Anbu
19. David
20. Sivaprabhu
S/o.Sennapasavaiah

... Respondents/
Defendants

S.A.No.1037 of 2015

Mr.K.Selvam

... Appellant/
1st Defendant

VS.

1. Mrs.Kumari
W/o.J.Sadagopan

... 1st Respondent/Plaintiff

WEB COPY

2. Mr.Ramachandran
S/o.Narayanan
3. Mr.Billy Graham
4. Mr.Mahendiran
5. Mr.Bhaskaran
6. Mr.Pandiyan
7. Mr.Varadharajan
8. Mr.Paulsingh
9. Mr.E.Hiya
10. Mr.Karunakaran
11. Mr.Veeraraghavan
12. Mr.Mohan
13. Mr.Nagarathinam
14. Mr.Abdhul Rahaman
15. Mr.Subramani
16. Mr.Rajasekar
17. Mr.Vasantha
18. Mr.Anbu
19. Mr.David

(Respondents 3 to 19 are tenants
hence no relief is claimed
against the respondents 3 to 19)

20. Mr.S.Sivaprabhu
S/o.Seenapasavaiah
- ...2 to 20 Respondents/
2 to 20 Defendants

Prayer in S.A.No.1012 of 2015:-

Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and decree dated 27.07.2015 passed by the learned subordinate court, Poonamallee, made in A.S.No.63 of 2013, partly dismissing the appeal thereby partly modifying the judgment and decree of dismissal passed in the suit by the learned Additional District Munsif Court, Poonamallee, dated 22.01.2013 made in O.S.No.574 of 2004 and confirmed the dismissal of the suit for rest.

Prayer in S.A.No.1037 of 2015:-

Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and decree dated 27.07.2015 passed by the learned subordinate court, Poonamallee, made in A.S.No.63 of 2013, partly allowing the appeal thereby partly modifying the judgment and decree passed in the suit by the learned Additional District Munsif Court, Poonamallee, dated 22.01.2013 made in O.S.No.574 of 2004 and confirmed the dismissal of the suit for rest.

S.A.No.1012/2015

For Appellant : Mr.R.Munuswamy
For Respondents
For R1 : Mr.R.Madanagopal
For R2 : Mr.N.Nirmal Raj
R3 to R20 : Given up.

S.A.No.1037/2015

For Appellant : Mr.R.Madanagopal
For Respondents
For R1 : Mr.R.Munuswamy
For R2 : Mr.N.Nirmal Raj
R3 to R20 : Given up.

COMMON JUDGMENT

The memo has been filed in S.A. No.1012/2015 giving up R3 to R20. The said memo is taken on record.

2. Similarly, a memo has been filed in S.A. No.1037/2015 giving up R3 to R20. The said memo is taken on record.

3. The appellant and the respondents 1 and 2 in S.A. Nos.1012/2015 as well as 1037/2015 and their respective counsel are present. Joint Memo of Compromise signed by the appellant and the respondents and their respective counsel has been filed by the appellant and the respondents 1 and 2 in both the second appeals.

4. The terms of Joint Memo of Compromise are read over to the appellant and the respondents 1 and 2 in both the second appeals and they admit the same to be correct and also in tune with the terms of compromise, the appellant in S.A.No.1012/2015, S.Kumari, has admitted the receipt of DD No.458685 dated 19.02.2021 drawn on Karur Vysya Bank Limited, Porur, Chennai 600 116 for Rs.20,00,000/- from the first respondent in S.A.No.1012/2015, Selvam, and all pray to dispose of both the second appeals in terms of the joint memo of compromise.

5. In the light of the abovesaid position, the Joint Memo of Compromise filed by the appellant and the respondents 1 and 2 in both the second appeals is taken on record.

6. The Joint Memo of Compromise is recorded in S.A. No.1012/2015. However, it has been averred in the Joint Memo of Compromise that the same is applicable even to the connected S.A. No.1037/2015.

7. In addition to that, a memo has also been filed in S.A. No.1037/2015 to pass a common judgment and decree in both the appeals in terms of the Joint Memo of Compromise filed in S.A.No.1012/2015. The said memo is also taken on record.

8. In the light of the abovesaid factors, both the second appeals are disposed of in terms of the joint memo of compromise dated 08/03/2021 filed by the appellant and the respondents 1 and 2 in both the second appeals. The Joint Memo of Compromise shall form part and parcel of the decree passed in both the second appeals. No costs. Connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

bga

To

1. The Subordinate Judge, Poonamallee.
2. The Additional District Munsif, Poonamallee.

Copy To

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

+4cc to Mr.N.Nirmal Raj, Advocate, S.R.No.18547, 18548

+4cc to Mr.R.Madanagopal, Advocate, S.R.No.18360, 18545

S.A.Nos.1012 & 1037 of 2015

AD(CO)
CS/26/04/2021