



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

TUESDAY, THE TWENTY SEVENTH DAY OF JULY,
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

APPEAL SUIT (MD) No.109 OF 2009

1.A.K.Bose (Died) ... Appellant / ^{1st} Defendant

2.Backialakshmi

3.Jeyalakshmi Devi

4.Jeyakarthika Devi

5.Sivasubramanian

6.K.B.Shankar

... Appellants 2 to 6

(Appellants 2 to 6 are brought on record as Lrs of the deceased sole Appellant vide Order dated 03.02.2020 made in CMP(MD) No.9968 of 2019 in AS(MD) No.109/2009)

Vs.

1. (*) **S. P. Samy** ... ^{1st} Respondent / Plaintiff

2.Nallusami (Died)

3.Thirumathi (Died)

4.Vellaiammal

5.Raman

... Respondents 2 to 5 / Respondents 3 to 6

6.Bhanu

7.Surya

8.Shanthi

... Respondents 6 to 8

9.Lakshmi

10.Dhanalakshmi

11.Latha

12.Saravanakumar

13.Jeyandhi

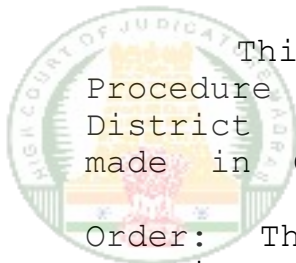
14.Ramathilakam

15.Meenakshi

... Respondents 9 to 15

(Respondents 6 to 8 are brought on Record as Lrs of the deceased third respondent, vide Order dated 07.01.2013 in MP(MD) Nos.1 to 3/2013 in AS(MD) No.109/2009)

(Respondents 9 to 15 are brought on Record as Lrs of the deceased second respondent, vide Order dated 02.07.2021 in CMP(MD) Nos.1112 to 1114/2017 in AS(MD) No.109/2009)



This Appeal Suit filed under Section 96 of the Code of Civil Procedure against the Judgment and Decree of the Additional District Judge, Fast Track Court No.2, Madurai dated 30.06.2008 made in O.S.No.137 of 2005.

Order: This Appeal Suit coming upon for hearing on this day, upon perusing the Memorandum of Grounds of Appeal, the judgment and decree of the Lower Court, upon perusing the materials available to the case, and upon hearing the arguments of in the presence of Mr.Vallinayagam, Senior Counsel for M/s S.M.S.Johnny Basha, Advocate for the Appellants, Mr.K.K.Senthilvelavan, Advocate for the first Respondent, and of Mr.G.Prabhu Rajadurai, Advocate for Respondets Nos. 4, 7 and 8 herein (The 5th Respondent herein herein not appeared either in person or through Advocate), and upon observing the compromise between Mr.Sivasubramanian/5th Appellant herein and (*) **Mr.S.P.Samy**/1st Respondent herein arrived at the time of hearing (Compromise Memo not filed), this Court while disposing of the Appeal in terms of the compromise arrived between the Parties above, doth order and decree as follows:

- 1.That the Appellants be and hereby directed to pay a sum of Rs.4,20,000/- (Rupees Four Lakhs and Twenty Thousand only) to the first respondent/Plaintiff within a period of four months;
- 2.That out of the said amount, a sum of Rs.2,00,000/- (Rupees Two Lakhs only) shall be paid to the 1st Respondent/Plaintiff within a period of two months from the date of receipt of a copy of the judgment, and the balance amount of Rs.2,20,000/- (Rupees Two Lakhs and Twenty Thousand only) shall be paid to him within a period of two months thereafter;
- 3.That the Court Fee of Rs.92,326/- (Rupees Ninety Two Thousand Three Hundred and Twenty Six only) paid by the Appellants shall be refunded to them;
- 4.And that there be no costs in this Appeal Suit.

Sd/-

Assistant Registrar (CS-I)

**(*) Corrected as per order
of this Court dated 18.02.2022**

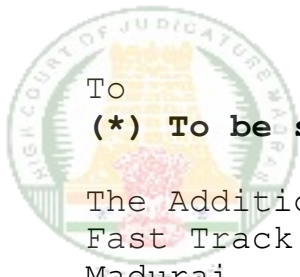
Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

18.02.2022

Sub Assistant Registrar (CS-II)



To

(*) To be substituted the order already despatched on 09.12.2021

The Additional District Judge,
Fast Track Court No.2,
Madurai.

WEB COPY

Copy to:

1.The Record Keeper, (2C)
Vernacular Records,
Madurai Bench of Madras High court,
Madurai.

2.The Sub assistant Registrar, CO Section,
Madurai Bench of Madras High Court,
Madurai

+ 1 CC to M/s.S.M.S.Johnny Basha, Advocate, Copy Application
Sr.No.24356 dated 29.07.2021.

+ 1 CC to M/s.K.K.Senthilvelan, Advocate, Copy Application
Sr.No.24101 dated 28.07.2021.

+ 1 CC to M/s.G.Prabhu Rajadurai, Advocate, Copy Application
Sr.No.24102 dated 28.07.2021.

Dated: 27.07.2021

DECREE

A.S (MD) No. 109 of 2009

Nature of Decree: Disposing of the Appeal
Suit preferred against the J/D dated
30.06.2008 in O.S No.137/2005 on the file of
the Fast Track Court No.2, Madurai and giving
directions etc.as stated therein.

KB(04.12.2021) 3P 8C
TR(18.02.2022) 3P 8C