



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.R. SWAMINATHAN**

S.A. (MD)No.629 of 2007

and

C.M.P. (MD)No.10101 of 2016

WEB COPY

S.Ravi ... Appellant / Appellant/ 6th Defendant

-Vs-

1.C.K.Subbammal
2.C.K.Subramani (Died)
3.C.I.Dharmaraj
4.Kalimuthu
5.Irulandi
6.Seenivasan
7.Ravi
8.Krishnammal (Died)
9.Mariammal
10.Selvam
11.Poovasagan
(R9 to R11 brought on record as Lrs of the deceased
8th respondent as per order dated 08.10.2015)
12.S.Vellammal
13.S.Kaleeswari
14.S.Selvaraj
15.S.Sundaramahalingam
16.S.Panchavarnam
17.S.Subbulakshmi
(Respondents 12 to 17 brought on record as Lrs of
the deceased second respondent as per order
dated 08.10.2015in MP(MD).No.3/2013)
18.K.Murugan
(R18 is suo motu impleaded vide order
dated 14.06.2021)

.... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree of the Subordinate Judge, Sivakasi made in A.S.No.16 of 2005, dated 09.01.2007 confirming the judgment and decree in O.S.No.235 of 1996, dated 02.09.2004 on the file of the Principal District Munsif, Sivakasi.

For Appellant : Mr.M.Ashok Kumar
For R1, R4, R12, R15
and R17 : Died
For R2 & R8 : Died
For R3, R13, R14
& R16 : Mr.M.Thirunavukkarasu
For R5 to R7, R9
to R11,18 : No appearance



JUDGMENT

The 6th defendant in O.S.No.235 of 1996 on the file of the Principal District Munsif, Sivakasi, is the appellant in this second appeal.

2.The said suit was originally filed by one Chinnakaruppan. The suit was for the relief of declaration and recovery of possession and mandatory injunction. During the pendency of the suit, the original plaintiff Chinnakaruppan passed away and his wife and sons came on record. The suit was decreed vide judgment and decree dated 02.09.2004. Aggrieved by the same, the 6th defendant filed A.S.No.16 of 2005 before the Sub Court, Sivakasi. Vide judgment and decree dated 09.01.2007, the appeal was dismissed. Challenging the same, this second appeal came to be filed.

3.Though in the said appeal, there are as many as 18 respondents, the contest is only between the appellant and the legal heirs of the original plaintiff. During the pendency of the appeal, C.K.Subbammal wife of Chinnakaruppan and one of the sons C.K.Subramani passed away. The legal representatives of C.K.Subramani have been brought on record. The matter was adjourned to enable the appellant and the contesting respondents to arrive at compromise.

4.Today, the joint memo of compromise dated 14.07.2021 has been filed. The appellant as well as the contesting respondents have signed the said joint memo of compromise. The parties appeared before the Court through video conferencing. The learned counsel on either side duly identified the parties also. I am satisfied that the issue has been amicably resolved. Therefore, this second appeal is disposed of in terms of the said joint memo of compromise dated 14.07.2021. The original joint memo of compromise is taken on record. It shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

To

1.The Subordinate Court, Sivakasi.

2.The Principal District Munsif, Sivakasi.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-22609[F] dated
15/07/2021)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-22760[F] dated
15/07/2021)

S.A.(MD)No.629 of 2007

and

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15.07.2021

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