



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.863 of 2007 and

M.P.(MD)No.1 of 2007 & C.M.P.(MD)No.9518 of 2016

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Amutha ... Appellant /
Appellant/1st Defendant

Vs.

1. Kaliraj
through its Power Agent,
Solaiappan ... 1st Respondent /
1st Respondent/Plaintiff

2. Chandrasekar ... 2nd Respondent /
2nd Respondent/2nd Defendant /

3. P.Ramalakshmi
(R-3 is impleaded vide Order dated 28.10.2021
in C.M.P.(MD)No.8915 of 2021)
... 3rd Respondent

Prayer: Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree passed in A.S.No.69 of 2006 dated 20.02.2007 on the file of the Sub Court, Kovilpatti, confirming the Judgment and Decree passed in O.S.No.320 of 2004 dated 21.09.2006 on the file of the District Munsif, Kovilpatti.

For Appellant	: Mr.V.Meenakshi Sundaram, for Mr.D.Nallathambi
For R-1	: Mr.M.S.Balasubramania Iyer
For R-3	: Mr.S.Vashik Ali
For R-2	: Mr.Chandrasekar, appeared in person.

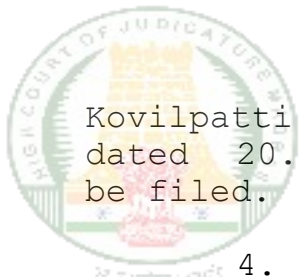
J U D G M E N T

Heard the learned counsel on either side.

2. This second appeal arises out of a suit for declaration and mandatory injunction. The first respondent herein filed O.S.No.320 of 2004 on the file of the District Munsif, Kovilpatti.

3. The suit was decreed. Aggrieved by the same, the appellant herein filed A.S.No.69 of 2006 on the file of the Sub Court,

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



Kovilpatti. The first appeal was dismissed vide judgment and decree dated 20.02.2007. Challenging the same, this second appeal came to be filed.

4. During the pendency of the suit, the second defendant sold his share in the suit property in favour of the third defendant, namely, Ramalakshmi. Since the second respondent / second defendant Chandra Sekar has no interest in the present proceeding, memo has been filed by the appellant excluding him. The said memo dated 01.11.2021 is taken on record and the second defendant is exonerated from the array of parties. In the meanwhile, the parties have entered into a settlement. They have also filed Joint Compromise Memo dated 03.10.2021. It is enclosed by a Sketch also. The appellant Amutha is present before me and she has been duly identified by her counsel. The power agent of the plaintiff is no more and the original plaintiff Kaliraj is present before this Court. He has been duly identified by his counsel. The third respondent Ramalakshmi appeared before this Court through video conferencing and she has been duly identified by her counsel. The memo of compromise has been signed by the parties and also by their respective counsel.

5. I am satisfied that the compromise has been voluntarily entered into. Therefore the judgment and decree passed by the Court below is modified and this second appeal is disposed of in terms of the memo of compromise dated 03.10.2021. The memo of compromise along with the sketch shall form part of the decree. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Enclose copy of Joint Compromise Memo.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Sub Judge,
Kovilpatti.



2. The District Munsif,
Kovilpatti.

3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

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+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-33626[F] dated
02/11/2021)

S.A. (MD) No. 863 of 2007
01.11.2021

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