



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Second day of September
Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

SA(MD) . No.876 and 877 of 2011

SA(MD) .No.876 of 2011

VELAYUTHAM, ... Appellant/Respondent/Plaintiff

Vs

1. MARIYAYEE

2.PERIYASAMY ... Respondents/Appellants/Defendants

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the District Court, Karur dated 12.03.2010 made in Appeal Suit No.2 of 2009, preferred against the judgment and decree of the Sub Judge, Kulithalai made in Original Suit No. 24 of 2004 dated 30.01.2006.

SA(MD) . No. 877 of 2011

VELAYUTHAM, ... Appellant/Respondent/2nd Defendant

Vs

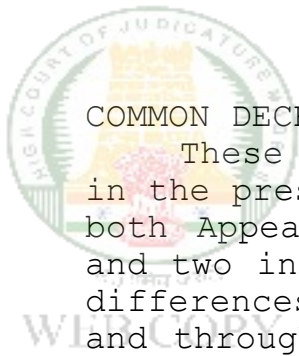
1. MARIYAYEE

2.PERIYASAMY ... 1 &2 Respondents/Appellants/Plaintiffs

3.NATARAJAN ...3rd Respondent/1st Respondent/1st Defendant

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the District Court, Karur dated 12.03.2010 made in Appeal Suit No.34 of 2009, preferred against the judgment and decree of the Sub Judge, Kulithalai made in Original Suit No. 50 of 2001 dated 30.01.2006.



COMMON DECREE:-

These Second Appeals coming on for hearing on this on this day in the presence of Mr. K.Govindarajan, Advocate for the Appellant in both Appeals and Mr. G.Sridharan, Advocate for the respondent one and two in both Appeals and the parties herein having settled their differences and entered into a joint compromise between themselves and through their respective counsels and having filed the memo of compromise duly signed by the parties as well as their Advocates and upon perusing the grounds of appeal, and the material records and the joint memo of compromise, and in the said joint Compromise it is stated that first respondent in both appeals namely Mariyayee is living with the second respondent and not claiming any right /share in the suit properties and third respondent in SA.877 of 2011 namely Natarajan who is the paternal uncle is also not claiming any right / share in the suit properties and they are not joined in signing the compromise memo, this Court while recording the said joint memo of compromise, dated 22/09/2021 disposed the second Appeals and doth order and decree as follows:

1.That the appellant herein namely Velayutham be and hereby is entitled to the properties more fully described as I Schedule hereunder and neither the second respondent nor his legal heirs are entitled to any right over the said properties.

2.That the Second respondent herein namely Periyasamy be and hereby is entitled to enjoy the properties more fully described as II Schedule hereunder during his life time as a life estate holder without any right of alienation and the vested reminder of the same be with his three minor children namely (1) Minor Periyakkal (aged 17 years)

(2) Minor Reena (aged 13 years) and (3) Minor Santhosh (aged 11 years) represented by their guardian and mother namely Chellammal till they attain majority and afterwards they will become vested reminders in the II Schedule properties described hereunder and neither the appellant nor his legal heirs are entitled any right over the said property.

3. That the suit in O.S.No.50 of 2001 on the file of the Sub Court, Kulithalai be and hereby is decreed and suit in O.S.No.24 of 2004, is disposed in the terms of compromise dated 22.09.2021.

4. That there be no costs in this Appeal.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Encl : Joint Compromise with Schedule of properties dated 22.09.2021

TO

1. The District Court, Karur

2. The Sub Judge, Kulithalai

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 CC to M/s.G.SRIDHARAN, Advocate (SR-29955,29985 dated 22/09/2021)

+1 CC to M/s.K.GOVINDA RAJAN, Advocate (SR-30074 dated 23/09/2021)

ORDER DATED : 22/09/2021

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DECREE

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SA(MD) . No.876 AND 877 of 2011

Nature of Decree:-
Disposing the Second
Appeal in terms of the
Joint compromise memo dated
22.09.2021 preferred
against the common judgment
and decree of the District
Court, Karur dated
12.03.2010 made in Appeal
Suit No.2 and 34 of 2009,
preferred against the
judgment and decree of the
Sub Judge, Kulithalai made
in Original Suit No. 24 of
2004 & 50 of 2001 dated
30.01.2006 etc., as stated
within.

km (CO)

TR/SKN(29.09.2021) 3P 8C