



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

S.A.(MD)No.592 of 2006 and

M.P.(MD)No.1 of 2006

Peter Paulraj

... Appellant / Respondent /
Defendant

Vs.

1. M.Gunasekari
2. M.Saraswathi (Died)

Through their Power of Attorney,
M.Loganathan (Died)

... Respondents / Appellants /
Plaintiffs

3. Krishnaveni
4. Muthumanickam

(Memo dated 28.09.2012 in USR No.3136 is recorded and respondents 3 and 4 are brought on record as LR's. of the deceased second respondent vide Order dated 04.08.2021)

... Respondents

Prayer: Second appeal filed under Section 100 of C.P.C., against the Judgment and Decree passed in A.S.No.122 of 2002 on the file of the Sub Court, Sivagangai, dated 17.11.2005 reversing the Judgment and Decree passed in O.S.No.189 of 2000 on the file of the Principal District Munsif Court, Sivagangai dated 26.11.2002.

For Appellant : Mr.M.P.Senthil

For Respondents : Mr.S.Srinivasa Raghavan

J U D G M E N T

The defendant in O.S.No.189 of 2000 on the file of the Principal District Munsif, Sivagangai, is the appellant herein.

2. The said suit was instituted by M.Gunasekari and her sister M.Saraswathi. The suit was one for declaration and permanent injunction. The suit was partly decreed. Aggrieved by the same, the plaintiffs through their power agent Loganathan filed A.S.No.122 of 2002 before the Sub Court, Sivagangai. By the impugned judgment and decree dated 17.11.2005, the appeal was allowed and the suit was decreed in *toto*. Aggrieved by the same, the defendant Peter Paulraj filed this second appeal.



3. During the pendency of the second appeal, both Saraswathy and her husband Loganathan who was their power agent passed away. Their legal heirs Krishnaveni and Muthumanickam have been brought on record as respondents 3 and 4. Even during her lifetime, Saraswathy entered into a partition with her sister Gunasekari on 20.07.2011. The said document was registered as document No.4256/2011 on the file of the SRO, Sivagangai. Under the said partition deed, T.S.No.82 of Sivagangai Town was allotted to the share of Gunasekari. The dispute was whether the suit property is located in T.S.No.81 or T.S.No.82. In view of the execution of the said partition deed, Saraswathi ceased to have any interest in the subject matter of this appeal. Their legal heirs Krishnaveni and Muthumanickam are present before me and categorically stated that they did not have any interest in the subject matter of this appeal. They have no objection for the first respondent Gunasekari to compromise the matter with the appellant Peter Paulraj. Both the appellant Peter Paulraj and the first respondent Gunasekari are present before me in person. They have filed a joint memo of compromise dated 17.09.2021. Three sketches are also annexed to the said memo of compromise. The respective counsel have identified the parties.

4. I am satisfied that the matter has been amicably resolved. Therefore, this second appeal is disposed of in terms of the joint memo of compromise. The joint memo of compromise along with the three sketches 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)

PMU

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, Sivagangai.
2. The Principal District Munsif,
Sivagangai.

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



3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-29824[F] dated
21/09/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-29633[F] dated 20/09/2021)

S.A.(MD)No.592 of 2006

17.09.2021

_RD(27.10.2021) 3P 7C