



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

S.A. (MD)No.605 of 2006 and

M.P. (MD)No.1 of 2006 and C.M.P. (MD)No.9125 of 2021

WEB COPY

1. Paulnesam
2. Sundaravadivu
3. Puspam
4. Santhakumari (Died)
5. Gunaseelan
6. Vijayarani
7. Latharani
8. Premarani
9. Vimalarani
10. Kochumani

...Appellants 1 to 10/Appellants 2 to 11
in A.S.No.67 of 1999 and
respondents 2 to 11 in A.S.No.68 of 1999 /
Defendants 3,4 and 6 to 13

11. Thankaraj
12. Vijin
13. Sujin Thankaraj
14. Sujitha Thankaraj

(Appellants 11 to 14 were brought on record as legal heirs of
the deceased 4th appellant vide Order dated 18.02.2020 made in C.M.P.
(MD)No.268 of 2020)

... Appellants 11 to 14

Vs.

1. Nesamma
2. Kala
3. Suseela

... Respondents 1 to 3 /Respondents 1 to 3
in A.S.No.67 of 1999 and appellants
1 to 3 in A.S.No.68 of 1999 /Plaintiffs 1 to 3

Prayer: Second Appeal filed under Section 100 of C.P.C.,
against the Judgment and Decree dated 30.03.2005 of the learned
Subordinate Judge, Kuzhithurai, made in A.S. No.67 of 1999 and
A.S.No.68 of 1999 on his file, modifying the Judgment and Decree
dated 20.07.1999 on the file of the learned I Additional District
Munsif, Padmanabhapuram made in O.S.No.842 of 1988.

For Appellants : Mr.K.N.Thampi

For R-1 to R-3 : Mr.P.Thiyagarajan

* * *



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 partition. The defendants in O.S.No.842 of 1988 on the file of the I Additional District Munsif, Kuzhithurai, are the appellants herein. While the relief of declaration had been negatived, preliminary decree was in favour of the plaintiffs. The plaintiffs filed A.S.No.68 of 1999 on the file of the Sub Court, Kuzhithurai. The defendants filed A.S.No.67 of 1999 on the file of the very same Court. The appeal filed by the appellants in A.S.No.67 of 1999 was dismissed, while the appeal filed by the plaintiffs in A.S.No.68 of 1999 was partly allowed and some share granted to the plaintiffs was enhanced. Aggrieved by the same, this second appeal came to be filed.

3. During the pendency of the second appeal, the parties arrived at an amicable settlement. They have also signed a memo of compromise and filed C.M.P.(MD)No.9125 of 2021 for recording the same and passing a decree in terms thereof. The appellants herein as well as the respondents herein appeared before this Court through video conferencing. Advocate Thiru.Dharmaraj (158/1978) identified the appellants. Advocate Thiru.M.Paulraj (1457/1995) identified the respondents herein. All the parties in unison state that the matter has been amicably resolved and that this Court can accept the compromise.

4. I am satisfied that the compromise memo has been signed by all the parties and also the respective counsel. I am fully satisfied that the compromise has been duly entered into. Therefore, C.M.P.(MD)No.9125 of 2021 is allowed. The judgments and decrees passed by the Courts below are modified and this second appeal is disposed of in terms of the memo of compromise dated 29.10.2021. The sketch has also been enclosed in the memo of compromise. The memo of compromise and along with the sketch shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

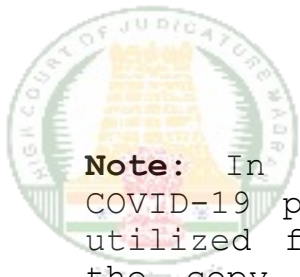
Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Subordinate Judge,
Kuzhithurai.
 2. The I Additional District Munsif,
Padmanabhapuram.
 3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 copies)
- +1 CC to M/s.K.N.THAMPI, Advocate (SR-33470[F] dated 01/11/2021)
- +1 CC to M/s.P. THIYAGARAJAN, Advocate (SR-33734[F] dated 08/11/2021)

S.A.(MD)No.605 of 2006
01.11.2021

ss(CO)
TR(08.03.2022) 3P 7C