



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Wednesday, the Twenty Seventh day of October
Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
SA(MD) . No.629 of 2005

WEB COPY

1.T.K.ANUSUYA,
2.K.R.CHANDRA
3.K.R.SORNAVALLI
4.R.GUNAVATHY

... Appellants/Respondents/Plaintiffs
Vs

1 K.V.RAMAMOORTHY (DIED)
2 K.V.RAMASUBBU
3 K.R.GOMATHY AMMAL
4 K.R.RAMESHBABU
5 K.R.PREMKUMAR
6 S.K.JAMUNA,
7 KALAIVANI,
8 LAKSHMI PRABHA,
9 P.PRABAHARAN,
10 M.RAVICHANDRAN,

(Respondents 9 & 10 ARE IMPEADED VODE COURT ORDER DATED
18.02.2010 MADE IN MP(MD)1/10 IN SA(MD) 629/05) .

11 VIJALAKSHMI,
12 KANCHANAMALA,
13 BHUVANESWARI
14 ASHA,
15 MANJULA,
16 PUSHPA,
17 K.R.VISWANATHAN,
18 K.R.SRINIVASAN,

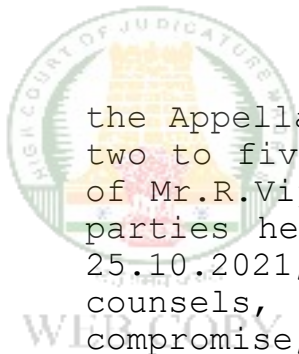
(Respondents 11 TO 18 ARE BROUGHT ON RECORD AS LRS OF
THE DECEASED 1ST RESPONDENT, VIDE COURT ORDER DATED 24.11.2016
MADE IN MP(MD)1/13 IN SA(MD) 629/05) Respondents

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Learned Principal District Judge, Madurai dated 17.02.2005 made in Appeal Suit No.190 of 2004, reversing the judgment and decree of the court of the I Additional Subordinate Judge, Madurai made in Original Suit No.523 of 1986 dated 19.01.2004.

DECREE:-

This Second Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of
Mr. S. PARTHA SARATHY, Senior Counsel for Mr. R. Jayaprakash Advocate for



the Appellants and of Mr.A.R.M. RAMESH, Advocate for the respondents two to five, eleven, fourteen, fifteen, seventeen and eighteen and of Mr.R.Vijayakumar, Advocate for respondents nine and ten, and the parties herein having filed herein the memo of compromise dated 25.10.2021, duly signed by the parties as well as their respective counsels, this Court while recording the said joint memo of compromise, disposing the Second Appeal and doth order and decree as follows:

(1) That in terms of the compromise dated 25.10.2021, the appellants/plaintiffs be and hereby are allotted the eastern half of the 2nd item of the plaint A schedule property comprised in Door No.17, Khanpalayam, 3rd Street and Door No.61, Khanpalayam, 4th Street, Madurai Town in T.S.No.858 as shown in the plan annexed herewith and signed by both parties.

(2) That the appellants/plaintiffs be further allotted the whole of the property described in item No.3 of plaint A Schedule in T.S.No.846 and also whole of item No.21 of the plaint A-Schedule in T.S.No.2739/1 & 2,

(3) That the Respondents 4 & 5/ defendants 4 & 5 be and hereby are jointly allotted the 1st item of Plaint A Schedule,

(4) That the Respondents 17 & 18 (the two sons of the deceased 1st defendant impleaded in the second appeal) be and hereby are allotted the western half of 2nd item of the plaint A Schedule property comprised in Door No.17, Khanpalayam, 3rd Street and Door No.61, Khanpalayam, 4th Street, Madurai Town in T.S.No.858 as shown in the plan annexed herewith and signed by both parties,

(5) That the 2nd respondent/2nd defendant be and hereby is allotted the 4th item of plaint A schedule property,

(6) That the Respondents 11 to 18 be and hereby are jointly allotted the 6th item of plaint A schedule property in old S.No.44/7, New No.44/5.

(7) That the Respondents 1 to 8 and 11 to 18 be jointly allotted the plaint A Schedule 5th item as also plaint A schedule 7 to 13 items and plaint A schedule 17 to 20 items,

(8) That the old building in the A Schedule 2nd item property shall be forthwith wholly demolished, so that the Appellants and Respondents 17 to 18, get the eastern and western half in site available for their separate and independent construction within their allotted portions,

(9) That the suit be and hereby is dismissed in regard to whole of the plaint - B schedule and in regard to A schedule 14 to 16 items,



(10) That the Respondents 9 & 10, who were added as parties in the second appeal stage as transferees in regard to the 14 the item of plaint A schedule be and hereby are exonerated.

(11) That in view of the above terms the Judgments and decree in A.S.No.190 of 2004 dated 17.02.2005 on the file of the Principal District Judge, Madurai and also the Judgment and decree in O.S.No.523 of 1986 dated 19.01.2004 on the file of the I Additional Subordinate Judge, Madurai be and hereby are set aside,

(12) That in view of the settlement arrived at between the parties there shall be no need to file any application for final decree and the final decree be and hereby is passed in this Second Appeal itself,

(13) That there be no costs in this Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ENCL.: Xerox copy of Compromise memo dated 25.10.2021,
Schedule of Properties and sketch are enclosed

TO

- 1.The Principal District Judge, Madurai
- 2.The I Additional Subordinate Judge, Madurai

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.R.JAYAPRAKASH, Advocate (SR-33097 dated 28/10/2021)



WEB COPY

SA(MD). No.629 of 2005

ORDER DATED : 27/10/2021

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DECREE

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SA(MD). No.629 of 2005

Nature of Decree:- Disposing the Second Appeal preferred against the Principal District Judge, Madurai dated 17.02.2005 made in Appeal Suit No.190 of 2004, reversing the judgment and decree of the court of the I Additional Subordinate Judge, Madurai made in Original Suit No.523 of 1986 dated 19.01.2004.

TR(22.12.2021) 4P 6C