



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

S.A. (MD)No.669 of 2020

and

CMP(MD)No.7119 of 2020

1.N.Muthusamy

2.N.Lingam

: Appellants/Appellants/Respondents 2 & 5/
Defendants 2 & 5

Vs.

1.P.Chandrammal

: 1st Respondent/1st Respondent/
Petitioner/Plaintiff

2.Natarajan

3.Varnammal

4.Palaniammal

5.Chellammal

6.P.Sathyaseelan

7.P.Ananthan

: Respondents 2 to 7/Respondents 2 to 7/
Respondents 4 & 6 to 10/Defendants 4 & 6 to 10

PRAYER:- Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the Judgment and Decree passed in A.S.No.19 of 2018 on the file of the Additional District Court (Fast Track Court), Palani, dated 29.07.2020 confirming the judgment and decree in I.A.No.118 of 2009 in O.S.No.351 of 1989 on the file of the Sub Court, Palani, dated 22.01.2018.

For Appellants : Mr.S.Meenakshi Sundaram

For Respondents : Mr.R.Vijayakumar

(for R1, R2 and R4)

Mr.Rajakarthikeyan (for R3)

Mr.G.Prabhu Rajadurai (for R5 to R7)

J U D G M E N T

Today, when the matter is taken up for hearing, the learned counsel for the appellant would submit that the matter has been compromised between the parties and a joint memo of compromise has also been filed before this Court and hence, he would pray that the second appeal may be disposed of on the terms of joint memo of compromise.



2.The terms of joint memo of compromise, dated 13.08.2021 are signed by the parties and their respective counsels, read as follows:

"...It is submitted that since all the parties herein are blood relations and aged between 75 and 96 years, and in order to maintain cordial relationship with each other and to avoid animosity the litigations, all the parties in the 2nd appeal have entered into a compromise on their own will and accord without any compulsion or coercion, arrived at a compromise as follows:

Whereas all the parties herein are agreeing for allowing the above second appeal in SA No.669/2020, by setting aside the judgment and final decree dated 18.01.2018.

As per the terms of the agreement, the entire suit properties are divided into seven equitable portions denoted as schedule 'A', 'B', 'C', 'D', 'E', 'F' and 'G' as shown in the annexed plan. Before dividing the suit properties into 7 equitable portions, the entire suit properties were physically measured and ascertained actual availability of lands for partition. There was a total shortage of 11 cents of the land in the suit properties and the shortfall was taken into consideration while dividing the lands.

The suit properties include common undivided property of 58 cent of land in R.S.No.18/1 out of 2.32 acres of land and 38 cents of land in RS No.19 out of 1.52 acres of land jointly owned with respondents 5, 6 and 7. Out of this total land area of 3.84 acres, 93 cents have been taken out only from R.S.No.19 and included in this suit properties for partition and the remaining land is given to the respondents 5, 6 and 7 for their exclusive ownership.

- 1.The 1st appellant, N.Muthusamy is allotted 'E' schedule property.
2. The 2nd appellant, N.Lingam is allotted 'D' schedule property.
3. The 1st respondent, N.Chandrammal is allotted 'C' schedule property.
- 4.The 2nd respondent, N.Natarajan is allotted 'F' schedule property.
- 5.The 3rd respondent, N.Varnammal is allotted 'A' schedule property.
- 6.The 4th respondent, N.palaniammal is allotted 'B' schedule property.
- 7.The 5th, 6th and 7th Respondents, Chellammal. P.Sathiyaseelan and P.Anandan are jointly allotted 'G' schedule property..."



3.In view of the above Settlement arrived at between the parties, the Second Appeal is disposed of in terms of the Joint Memo of Compromise. The said Joint Memo of Compromise shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

Encl: Xerox Copy of Joint Memo of Compromise.

To

- 1.The Additional District Judge (Fast Track Court),
Palani.
- 2.The Sub Court,
Palani.

COPY TO:-

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

- +1 CC to M/s.M.SENGUVIJAY, Advocate (SR-27113[F] dated 24/08/2021)
- +1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-27224[F] dated 25/08/2021)
- +1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-27328[F] dated 25/08/2021)

Judgment made in
S.A. (MD) No.669 of 2020
24.08.2021

KMK (CO)
GC/SKN(17.11.2021) 3P 8C