



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)



Monday, the Fourth day of October Two Thousand and Twenty One

PRESENT

WEB COPY

The Honourable Mr. Justice G.R. SWAMINATHAN

S.A. (MD) No. 23 of 2014

S.P. Sethu ... Appellant/Appellant/Plaintiff

-Vs-

1. Grace (Died)

2. Anjalin Saroja

3. D.E. Paulraj

... Respondents/Respondents/Defendants

4. (*) E.T. Isrel Aliver King ... Respondent

(R4 is suo moto impleaded as Lrs of the deceased the 1st Respondent vide order dated 03/08/2021)

Prayer:

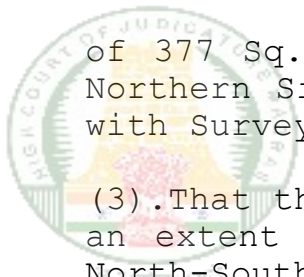
This Second Appeal filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree dated 26.07.2011 on the file of the Sub Court, Melur Camp (1st Additional Sub Court, Madurai) made in A.S.No.97 of 2009, confirming the Judgment and Decree dated 14.12.2007 on the file of District Munsif Court, Melur made in O.S.No.369 of 2004.

DECREE:

This Second Appeal came up final hearing on this day, upon perusing the Memorandum of Grounds of Appeal, the Judgment and Decree of the Lower Appellate Court, and the Court of first instance upon perusing the material records of the case, and upon hearing the arguments of M/s.R.Vijayakumar Advocate for the Appellant and of Mrs.P.Jeesi Jeeva Priya, Advocate for the R2 to R4 and the Appellant and Respondents herein and the appellants and respondents herein having filed a Joint Compromise Memo dated 04/10/2021 duly signed by the parties and their Counsels this Court, while disposing of this Second Appeal, doth order and decree as follows:

(1). That the Plaintiffs in O.S.No.157 of 2002 on the file of the District Munsif Court, Melur shall not execute the decree dated 14/12/2007, made in O.S.No.157 of 2002 on the file of District Munsif Court, Melur;

(2). That the Plaintiff therein (The Appellant in Second Appeal) shall be entitled to a decree for declaration of title and permanent injunction with regard to the suit schedule properties in O.S.No.369 of 2004 before the District Munsif Court, Melur excluding an extent



of 377 Sq.ft marked in Yellow Colour heading to T.S.No.59 of the Northern Side from East-West Road in the Town Survey Sketch with Survey Report filed before this Court;



(3).That the Yellow Marked Portion in the Town Survey Sketch having an extent of 377 Sq.ft measuring 15 feet East-West and 24 ½ feet North-South on the Eastern Side and 25 ¾ feet North-South on the Western Side shall be maintained as an exclusive passage of the 4th Respondent herein namely, E.T.Isrel Aliver King, S/o. Late D.S.A.Grace (First Respondent). The Appellant shall not have any right over the said passage;

(*) (4).The Compromise Memo dated 04.10.2021 and the sketch drawn by the town surveyor shall part of the decree

(5).That there be no costs in this Second Appeal.

Sd/-

Assistant Registrar (CS-II)

(*)Corrected as per the order of this court dated 15/06/2022 made in SA(MD).No. 23 of 2014

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

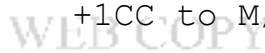
Sub Assistant Registrar(CS)

(*) to be substituted the order already despatched on 21/12/2021 TO

- 1.The 1st Additional Sub Judge,
The 1st Additional Sub Court,
(Sub Court, Melur Camp)
Madurai.(Enclose copy of Joint Compromise Memo.)
- 2.The District Munsif,
The District Munsif Court,
Melur. (Enclose copy of Joint Compromise Memo.)
- 3.The Tahsildar, Melur Taluk, Madurai District.
- 4.The Commissioner, Melur Municipality, Madurai District.

Copy to:

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



+1CC to M/s.SPL Government Pleader, SR.No. 31190 dated 05/10/2021

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Nature of Decree: Disposing the Second Appeal preferred against the Judgment and Decree dated 26.07.2011 on the file of Sub Court, Melur Camp (1st Additional Sub Court, Madurai) made in A.S.No.97 of 2009, confirming the Judgment and Decree dated 14.12.2004 on the file of District Munsif , Melur made in O.S.No.369 of 2004, as stated within.

KB (15.07.2022) 3P 10C