



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

S.A. (MD) No. 256 of 2014 and

M.P. (MD) No. 1 of 2014 & C.M.P. (MD) No. 6651 of 2021

WEB COPY

Rajamani @ Mani (Died)

1. Vasanthi

2. Sangeetha

3. Iswariya

(Minor appellants 2 & 3 are declared as majors and the guardianship of their mother (1st appellant) is discharged vide Order dated 05.08.2021 in C.M.P. (MD) No. 4306 & 6402 of 2021)

... Appellants/Respondents/
Plaintiffs

Vs.

Anbalagan

... Respondent/Appellant/
Defendant

Prayer: Second appeal filed under Section 100 of C.P.C., to set aside the judgment and decree dated 30.09.2013 made in A.S.No.58 of 2011 on the file of the Principal District Court, Dindigul, reversing the judgment and decree dated 21.10.2011 made in O.S.No.363 of 2001 on the file of the Additional Sub Court, Dindigul.

For Appellants : Mr. Gokulraj

For Respondent : Mr. S. Anand Chandrasekar,
for M/s. Sarvabhauman Associates.

* * *

J U D G M E N T

The appellants herein filed O.S.No.363 of 2001 on the file of the Additional Subordinate Court, Dindigul, seeking the relief of partition. Preliminary decree was granted. Questioning the same, the defendant Thiru. Anbalagan filed A.S.No.58 of 2011 before the Principal District Judge, Dindigul. Vide judgment and decree dated 30.09.2013, the appeal was allowed and the suit came to be dismissed. Challenging the same, this second appeal was filed.

2. During the pendency of the second appeal, appellants 2 and 3, namely, Sangeetha and Iswariya attained majority and they were also declared as major.



3. The parties have arrived at an amicable settlement and the same has been reduced into writing also. A memo of compromise has been filed. It has been signed by both the parties and also by their respective counsel. The appellants as well as the respondent are present before this Court in person. They have been duly identified by their respective counsel.

4. It is stated that during the pendency of this appeal, the parties had amicably resolved the issue and had also executed a deed of partition that was registered as document No.488/2021 before the SRO, Vedachandur. 'A' schedule property was allotted to the respondent, while 'B' schedule property was allotted to the appellants.

5. This second appeal is disposed of in terms of the memo of compromise dated 12.08.2021. The memo of compromise shall form part of the decree. No costs. Consequently, connected miscellaneous petitions are 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 Principal District Judge, Dindigul.
2. The Additional Sub Judge, Dindigul.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-26202[F] dated 12/08/2021)
+1 CC to M/s.SARVABAHAUMAN ASSOCIATES, Advocate (SR-26275[F] dated 13/08/2021)

S.A.(MD)No.256 of 2014
12.08.2021