



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

Monday, the Twelfth day of July Two Thousand Twenty One

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

AS(MD) . No.215 of 2018

MAJOR GENRAL K.A.S.RAJA

PVSM (RETIRED) - (DIED)

1. Rajeshwari (Died)

(1st Appellant died and Vijayakumar(A2),
Aruna(R5) and Prema (through her LRS), who are
already on record, are recorded as legal heirs of the
deceased 1st Appellant vide Court Orders dated 18.02.2021)

2. Vijayakumar

... Appellants / Defendants 2 & 5

Vs

1 K.J.RAVICHANDRA RAJA (DIED)

2 M.S.SHANTHI

3 C.VIDYA RAJA

4 K.J.SRIRENGA PERUMAL RAJA

... Respondents 1 to 4/ Plaintiffs

5 ARUNA ... 5th Respondent/ 4th Defendant

PREMA (Died)

6 N.A.K.GOPALAKRISHNA RAJA

7 K.M.PRASANNA RAJA

8 N.G.KONDHURAMA RAJA

9 N.K.G.SINGAPPA RAJA

... Respondents 6 to 9/ Lrs of 3rd Defendant

10 K.R. GEETHA



11 K.J.R. JEYARAM RAJA

12 R. NAMRATARAJA

(R10 to R12 brought on record as LRS of the deceased R1 vide Courts order dated 18.02.2021 made in CMP(MD) Nos.279,1607 & 1610/2021)

... Respondent/Respondent/Complainant

WEB COPY

Appeal Suit filed under Section 96 and Order 41 Rule 1 of Civil Procedure Code, to set aside the fair and decreetal order passed in O.S.No.131 of 2008 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur, dated 11.04.2018.

DECREE:- This Appeal Suit coming on for hearing on this day, upon perusing the Grounds of Appeal, the judgments and decrees of the Court of Trail Court and the material papers in the Suit and upon hearing the arguments of Mrs.Sudharshana Sundar, Advocate for Mr.R.R.Kannan, Advocate for the Appellant and of Mr.A.Arumugam, Advocate for Mr.K.Sudalaiyandi, Advocate for the Respondents Nos.2 to 4, 10 and 11 and of Mr.G.Venugopal, Advocate for Mr.M.P.Senthil, Advocate for Respondents Nos. 6 to 9 and Respondents 5 and 12 neither appeared in person nor through advocate herein having settled their differences and entered into a compromise between themselves and through their respective counsels and having filed the memo of compromise duly signed by the both parties i.e. Appellant herein, Respondents 2 to 4 and 6 to 12 as well as by their Advocates dated 28.06.2021 and upon perusing the memo of compromise dated 12.07.2021 which shall form part of this decree and this Court while disposing the Appeal in terms of the said compromise, doth order and decree as follows ;

(i) that the impugned judgment dated 11.04.2018 in O.S.No.131 of 2008 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur, is be and hereby set aside;

(ii) that the defendants in the suit have agreed to pay a sum of Rs.10,00,000/- to the plaintiffs towards full and final settlement of the entire suit claim and it is to be remitted to the account of Shri.K.J.Srirenga Perumal Raja who has been authorised by the other plaintiffs to receive the amount on the behalf also;

iii) that a sum of Rs.5,00,000/- has already been remitted to the said account. A further sum of Rs.5,00,000/- has to be paid on or before 21.09.2021. In the event of there being any default, it would carry interest @ 6 % per annum from today;

(iv) that the parties herein have no objection for the appellant Shri.Viajaya Kumar to withdraw the amount that is presently lying to the credit of E.P.No.27 of 1995 in LAR No.40 of 1986 on the file of Sub Court, Thodupuzha, Kerala. The Plaintiffs herein will not have any claim over the said amount. In other words, when Shri.Vijaya Kumar files a petition for withdrawal of the amount before the Court



at Kerala, notice need not be issued to the parties herein; And

(V) That the Appellant be and hereby is entitled to refund of Court Fees in the Appeal; and

Vi) that there be no costs in this Appeal Suit.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Principal District Judge,
Virudhunagar District at Srivilliputhur.

Copy to:

1. The Sub Court, Thodupuzha, Kerala
(along with copy of the judgment)
 2. The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai (+2 copies)
 3. The Sub Assistant Registrar, Court Officer Section,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.R.KANNAN, Advocate (SR-22214 dated 13/07/2021)
+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-22218 dated 13/07/2021)
+1 CC to M/s.M.P.SENTHIL, Advocate (SR-22217 dated 13/07/2021)

ORDER DATED : 12/07/2021

=====

DECREE

=====

AS(MD). No.215 of 2018

Disposing the AS(MD). No.215 of 2018 preferred against judgment and decree passed by Principal District Judge, Virudhunagar District at Srivilliputhur made in O.S.No.131 of 2008 on 11.04.2018 etc. as stated within.

TR(10.08.2021) 3P 9C

<https://hcservices.ecourts.gov.in/hcservices/>