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A.S.No. 1113 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2022

CORAM

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

A.S.No. 1113 of 2007

1. Kannammal
2. Vasanthi
3. Karpagam
4. Shanthi (Died)
5. Valli
6. A.L. Mahadevan
7. P.Kuppuraj
8. Dheeba
9. Ruba
10. Kavikanth

[Appellants 7 to 10 brought into record
as LRs of the deceased 4th appellant,
viz., Shanthi, vide order dated 24.02.2022
made in CMP.No.16594 of 2021]

....Appellants

Versus

1. Tanjammal @ Jamuna (Deceased)
2. Major Srinivasan
[Recording memo R2 declared as Major and
discharged from appointed as Court Guardianship,
viz., (Senior Counsel Mrs.G.Thilavathy), Court
Guardian for R2 vide order dated 17.06.2010
in M.P.No.01 of 2008, vide Court order
dated 24.02.2022 made in CMP.No.16594 of 2021].



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3. Vasuki (Died)
4. K. Krishnamoorthy
5. T.S. Rajasekaran
6. P. Manikandan

..Respondents

[R6 brought on record as Lrs of deceased 3rd respondent vide order dated 08.09.2022 made in CMP.No. 16590, 16593 and 16597 of 2021 made in AS.1113 of 2007]

Appeal Suit filed under Section 96 of Civil Procedure Code, praying to set aside the Judgement and Decree, dated 25.06.2007 made in O.S.No.19 of 2005, on the file of Additional District and Sessions Court, [Fast Track Court No.II], Ranipet.

For Appellants	: Mr.T.R. Rajaraman
For RR 1 & 3	: Died
For R2	: K.Selvakumar
For RR 4 and 5	: Mr.T.P.Prabakaran
For R6	: Mr.H. Manojin

JUDGEMENT

This first appeal has been filed by the defendants 1, 2 and 4 to 7, praying, to set aside the Judgement and Decree, dated 25.06.2007 made



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in O.S.No.19 of 2005, on the file of Additional District and Sessions Court, [Fast Track Court No.II], Ranipet.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellants and the learned counsel appearing for the respondents would submit that the disputes between the parties have been amicably settled and they filed a Memo of Compromise, dated 19.11.2022, which reads as follows:-

"In the above appeal in the presence of well-wishers and friends have decided to settle the disputes amicably and share the properties and entered into a Memorandum of Compromise in the following terms:-

1. The 2nd plaintiff/2nd respondent (Srinivasan) is allotted with Item Nos.1 and 5 suit schedule property (same) exclusively.

2. The 4th defendant/3rd appellant (Karpagam) is allotted Item No.3 of the suit schedule property and she will take it absolutely.

3. The appellants 7 to 10 (legal



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representatives of the 5th defendant/4th appellant, viz., Shanthi died on 15.01.2021) is allotted Item Nos.4 and 7 (same) of the suit property absolutely.

4. The 6th defendant/5th appellant (K.Valli) is allotted Item No.6 of the suit property absolutely.

5. The 7th Defendant/6th appellant (A.L. Mahadevan) allotted Item No.2 exclusively.

6. The appeal may be dismissed as against the respondents 4 and 5 (defendants 8 and 9, viz., K.Krishnamoorthy and T.S.Rajasekaran).

7. The 2nd appellant, viz, Vasanthi, Wife of A.L. Mahadevan, paid Rs.3,00,000/- compensation by selling 25 Cents of Non-suit property of Agriculture Land of 50 Cents.

8.P.Manikandan paid Rs.3,00,000/- compensation by selling 25 Cents of Non-Suit Property of Agriculture Land of 50 Cents.

The costs will be borne by the respective parties of the above appeal.

Schedule of Suit Properties

1. Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, Navalar Nedunchezian Street,



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Ward-A, Block 20, T.S.No. 81, Old S.No.143, in this vacant site situated North to Street, East to the property of Poongavanammal, South to North to the property of Varadaraj and S.No.141, measuring North to South 23 feet, East to West 83 feet, Value Rs.50,000/-.

2. Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, New Vellore Road Ward-A, Block-24, T.S.No.24, Old S.No.94/1 part, in this vacant site situated East to New Vellore Road, West to the property of Seenan Mudaliar, South to the property of Muniammal and North to the property of Moorthy, measuring North to South 23 and 1/2 feet and East to West 30 feet, together with the building bearing Door No.339, Old No.87, Value Rs.50,000/-.

3. Vellore District now (Ranipet District), Arcot Taluk, Arcot Town, Kuttakarai Street, Partly terraced and partly tiled house bearing Door No. 101/A, value Rs.1,00,000/-.

4. Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, Kuttakarai Street, bearing Door No.34, Old No.25, value Rs.1,00,000/-.



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5. Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, Navalar Nedunchezian Street, Saw Mill premises bearing Door No.12/36, house bearing Door No.11/36, and shops bearing Nos.6/36 to 10/36 - Value Rs.2,00,000/-.

6.Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, Kalaignar Karunanidhi Street, terraced house bearing Door No.3/20A, value Rs.1,00,000/-.

7. Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, Ward-A, Block No.19, vacant site in Old S.No. 138/66, 138/3A, T.S.No. 75 to 82 - 0.0102 sq.mts. value Rs.2,00,000/-.

8. Land Acquisition compensation payable by the Government for the lands acquired for Tamil Nau Housing Board-Rs.5,00,000/- (approximately).

NON-SUIT PROPERTY

Vellore District, now (Ranipet District), Arcot Taluk, Arcot Town, Ward-A, Block No.10, Survey No.58, Old T.S.No.2-7, New T.S.No.10, Agricultural land total area 50 cents, North to Common Road, South to Annamalai Thambiar



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Land, East to Balaraman Land and West to Atthar
Dhargah area,

Dated at Chennai that this 19th day of
November, 2022".

3. Accordingly, the first appeal is disposed of in terms of Memo of Compromise dated 19.11.2022. Since the first appeal is disposed of in terms of compromise that was signed by the parties in the presence of their respective counsel, the terms of compromise as agreed between the parties and the terms of compromise shall form a part of decree in this first appeal. No cost.

19.12.2022

Speaking/Non Speaking
msm

To

1. The Additional District and Sessions Court,
[Fast Track Court No.II], Ranipet.
2. The Section Officer, V.R.Section
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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