



S.A.No.1655 of 1999

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2022

Coram

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

S.A.No.1655 of 1999

- 1.R.K.Naidu (Deceased)
- 2.M.R.Pattabi
- 3.R.PremChandar
- 4.R.Nandakumar
- 5.R.Sundararajan
- 6.Selvi.R.Latha

...

Appellants

(Appellants 2 to 6 and RR12 to 14 brought
on record as LR's of the deceased sole
Appellant vide order of Court
dated 19/03/2018 made in CMP.
No.1728 to 1730/2018 in S.A.
No.1655 of 1999)

Vs

- 1.Santhammal (died)
- 2.Saroja
- 3.Babu
- 4.Rani
- 5.Chellammal
- 6.Dilli
- 7.Venkatachalam
- 8.Mani
- 9.Rajathi
- 10.Rukku
- 11.Thirumangai



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12.R.Nirmala

13.V.Kalpana

14.V.Shoba

15.M.K.Vasudevan

16.M.K.Ravichandrababu

17.M.K.Kasthuri

18.Sujatha

...

Respondents

(RR15 to 18 brought on record
the LR's of the deceased 1st
respondent vide Court order
dated 27/04/2022 made in
CMP.No.5686 of 2022 in
S.A.No.1655 of 1999).

Prayer: The Second Appeal is filed under Section 100 of CPC, against the judgment and decree dated 06.04.1998 passed in A.S.No.51 of 1991, on the file of the Sub-Court, Tiruvallur, reversing the judgment and decree dated 18.02.1991 passed in O.S.No.679 of 1981 on the file of the District Munsif Court, Ponneri.

For Appellants : Mr.M.S.Subramanian

Respondent No.1 : died

Respondent No.2 to 4 : given up

Respondent Nos.5 to 11,
15, 17 to 18 : No appearance

For Respondent No.16 : Mr.T.L.Thirumalaisamy



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JUDGMENT

The first defendant in O.S.No.679 of 1981 on the file of the District Munsif Court, Ponneri, is the appellant before this Court.

2.During the pendency of the appeal, he died and his legal representatives had been brought on record as second to sixth appellants. The appellant R.K.Naidu is the brother of the first respondent Santhammal.

3.They entered into a litigation with respect to six items of the properties. As of now, items 1 to 4 and item 6 had already been sold and the appellant had purchased the share of Santhammal but it must also be mentioned that Santhammal had the benefit of a settlement deed, which had been executed in her favour by her mother and therefore, with respect to the suit schedule properties, she claimed an undivided 2/3rd share and her brother R.K.Naidu first defendant was said to be entitled to the balance 1/3rd share.



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4.The Suit in O.S.No.679 of 1981 was finally disposed of on 18.02.1991 nearly after a decade and thereafter, a further appeal was filed in A.S.No.51 of 1991 before the Sub-Court at Thiruvallur and proceedings therein took another seven years and it was disposed of on 06.04.1998.

5.The present second appeal had been pending before this Court more than two decades. Finally, with efforts taken by the learned counsels, settlement had been reached among the parties. The appellants have signed the memorandum of compromise, which had been presented before this Court today.

6.The first respondent Santhammal had executed a settlement deed in favour of the 16th respondent/her son M.K.Ravichandrababu. In effect by this compromise, the settlement deed dated 14.08.2017 which had been registered as document No.5002 before the Sub Registrar, Arni is



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recognized and it is hoped that no further claims would be made by the parties either questioning the settlement deed or bringing up any further issues with respect to the division of the properties.

7.The 16th respondent is present in Court. The learned counsel for the appellants and the learned counsel for the 16th respondent are also present.

8.I fervently hope that this compromise is also to the knowledge of other respondents. It is so assured by the learned counsels. The memorandum of compromise shall form part of the decree. Item 5 in the suit schedule is item 1 in the A Schedule viz., 2/3rd share of 5.19 acres in Kanllur Village, Gummidipoondi Taluk, Tiruvallur District. There are several other properties, which are not subject matter of the suit, but it is represented that this compromise memo covers all the properties therein.



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9.In the Court bundle, the following endorsements has also been made by 16th respondent, 2nd and 3rd appellants.

“Admitted the compromise memo dated 30.08.2022

*sd/- 01/09/2022
M.K.Ravichandra babu
16th Respondent.*

Admitted the compromise memo dated 30.08.2022

*sd/- 01/09/2022
R.Premchander
3rd appellant.*

*Sd/- 01/09/2022
2nd appellant.”*

10.The second appeal is allowed in terms of the compromise memo.

The compromise memo shall form part of the decree. No costs.

Index:Yes/No

01.09.2022

Internet:Yes/No

sms

To

1.The Sub-Court, Tiruvallur.

2.The District Munsif Court, Ponneri.

3.V.R.Section, High Court, Madras.



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C.V.KARTHIKEYAN,J.,

sms

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