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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

S.A.Nos.2330 and 2331 of 2004

S.A.No.2330 of 2004

1.Veeraraghava Reddiar (Died) ...Appellants/1st Defendant
2.Prasanna
3.Rekha Jagadeesh
4.V.Purushothaman
5.Naina Reddy

(Appellants 2 to 5 are brought into record as the legal representatives of the deceased sole appellant viz Veeraraghava Reddiar vide Court order dated 10.01.2022 made in C.M.P.Nos.19605, 19606, 19609, 19622 19624, 19612 and 19620 of 2021 in S.A.No.2330 of 2004.)

Vs

1.Venugopal Reddiar (Died)
2.Meeraiyya Naidu
3.Sathish Reddy (Died)
4.Suscharitha
5.Duvvuru Swetha
6.Duvvuru Likith Saikumar

...Respondents/Plaintiff/Defendants 2 & 3

(4th Respondent brought into record as the legal representative of the deceased first respondent viz Venugopal Reddiar vide Court order dated 10.01.2022 made in C.M.P.Nos.19605, 19606, 19609, 19622 19624, 19612 and 19620 of 2021 in S.A.No.2330 of 2004.)

(Respondents 5 and 6 are brought into record as the legal representatives of the deceased third respondent viz Sathish Reddy vide Court order dated 10.01.2022 made in C.M.P.Nos.19605, 19606, 19609, 19622 19624, 19612 and 19620 of 2021 in S.A.No.2330 of 2004.)



Second Appeal filed under Section 100 of the Code of Civil Procedure as against the judgement and decree dated 02.06.2003 made in A.S.No.103 of 2002 by the learned Principal District Judge, Chingleput confirming the judgment and decree dated 14.6.2002 passed in O.S.No.128 of 1998 on the file of the Sub Court, Maduranthakam.

For Appellants : Mr.R.Sunilkumar
For Respondents : Mr.T.Ayyasamy for R4
Mr.M.G.Ramachandran
for R2, R5 & R6

S.A.No.2331 of 2004 :

1.Meeraiyya Naidu
2.Sathish Reddy (Died)
3.Duvvuru Swetha
4.Duvvuru Likith Saikumar ...Appellants/Defendants 2 & 3

(Appellants 3 and 4 brought into record as the legal representative of the deceased second appellant viz Sathish Reddy vide Court order dated 10.01.2022 made in C.M.P.Nos.19444, 19446, 19453, 19457, 19463, 19473 and 19476 of 2021 in S.A.No.2331 of 2004.)

Vs

1.Venugopal Reddiar (Died)
2.Veeraraghava Reddiar (Died)
3.Suscharitha
4.Prasanna
5.Rekha Jagadeesh
6.V.Purushothaman
7.Naina Reddy ...Respondents/Plaintiff/1st Defendant

(R3 brought into record as a legal representative of the deceased R1 viz., Venugopal Reddiar vide Court order dated 10.01.2022 made in C.M.P.Nos.19444, 19446, 19453, 19457, 19463, 19473 and 19476 of 2021 in S.A.No.2331 of 2004.)

(R4 to R7 brought into record as the legal representatives of the deceased R2 viz., Veeraraghava Reddiar vide Court order dated 10.01.2022 made in C.M.P.Nos.19444, 19446, 19453, 19457, 19463, 19473 and 19476 of 2021 in S.A.No.2331 of 2004.)



Second Appeal filed under Section 100 of the Code of Civil Procedure as against the judgement and decree dated 02.06.2003 made in A.S.No.109 of 2002 by the learned Principal District Judge, Chingleput confirming the judgment and decree dated 14.6.2002 passed in O.S.No.128 of 1998 on the file of the Sub Court, Maduranthakam.

For Appellants 1, 3 and 4 : Mr.M.G.Ramachandran
For Respondents : Mr.T.Ayyasamy for R3
Mr.R.Sunil Kumar
for R4 to R7

C O M M O N J U D G M E N T

When the matter was taken up for hearing today, the learned counsel for the appellants as well as the respondents submitted that the dispute between the parties has been amicably settled and they have also filed a Joint Memorandum of Compromise duly signed by both the parties and their respective counsel. The said Joint Memorandum of Compromise reads as follows :

'1. The above second appeals are directed against the common judgment and decree dated 02.06.2003 passed in A.S.No.103 of 2002 and A.S.No.109 of 2003 on the file of the Principal District Court, Chengalpet by virtue of which the judgment and decree dated 14.07.2002 passed in O.S.No.128 of 1998 on the file of the Sub-Court, Maduranthagam stands confirmed. The parties are referred to hereunder as arrayed in S.A.No.2330 of 2004.

2. The 1st respondent/plaintiff (since deceased) filed the suit in O.S.No.128 of 1998 on the file of the Sub-Court, Maduranthagam for declaration of title and permanent injunction against the respondents 1 to 3 herein/defendants in respect of 2 items of properties, namely, 40 cents of land in S.No.289/3A1A and 4 acres of land in S.No.289/3A3A, both situate in Vadapattinam Village, Cheyyur Taluk, Kanchipuram District, contending interalia that he had purchased the suit properties under the registered sale deed dated 31.03.1960 from Venkatasubba Reddiar, the father of the 1st appellant/1st defendant. The defendant contested the suit



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alleging that the suit properties were purchased by the respondent 2 and 3/defendants 2 and 3 from the 1st appellant/1st defendant through two separate registered sale deeds dated 27.02.1997 followed by the rectification deed dated 25.03.1997. The suit was decreed as prayed for on 14.07.2002 by the Sub-Court, Maduranthakam. Aggrieved by the same, the first appellant (since deceased) filed an appeal in A.S.No.103 of 2002 and the second respondent and the 3rd respondent (Since deceased) herein filed a separate appeal in A.S.No.109 of 2002 on the file of the Principal District Court, Chengalpattu. Both the appeals were heard together and were dismissed by a common judgement dated 02.06.2003. Aggrieved by the said dismissals, the 1st appellant filed the above Second Appeal No.2330 of 2004 and the respondents 2 and 3 filed the Second Appeal No.2331 of 2004 before this Hon'ble Court and both the appeals are pending consideration. Since the first appellant as well as the first and third respondents died during the pendency of the above econd appeal, their legal representatives are brought on record. The appellants 2 to 5 are the legal representatives of the deceased first appellant. The fourth respondent is the legal representative of the deceased first respondent. The respondents 5 and 6 are the legal representatives of the deceased third respondent.

3. In the meantime, the survey number of the suit second item, namely, 289/3A3A, measuring an extent of 4 acres, got subdivided as S.No.289/3A3A, measuring an extent of 1.18.50 Hectares (2.93 Acres) and as S.No.289/3A3B, measuring an extent of 0.4.50 Hectares (1Acre).

4. Now, the parties to the above second appeals have negotiated and settled the disputes amicably between themselves in the presence of the elders and well-wishers. The parties have mutually agreed that the 4th



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respondent herein, the sole legal heir of the deceased plaintiff/Decree Holder will be absolutely entitled to the entire extent of 1.18.50 Hectares (2.93 Acres) in S.No.289/3A3A, which is, more fully, described in the "A" Schedule hereunder. The appellants 2 to 4 have agreed to give up their claim, right, title and interest over the remaining extent of the suit properties in favour of the 5th appellant and consequently the 5th appellant will be absolutely entitled to a total extent of 1.40 Acres in S.Nos.289/3A3B and S.No.289/3A1A, which is, more fully, described in the "B" Schedule hereunder.'

The parties, therefore, pray that this Hon'ble Court may be pleased to pass a decree on the following terms:

A.It is declared that the 4th respondent, Mrs.Sucharitha, is absolutely entitled to the "A" Schedule property hereunder;

B.It is declared that the 5th appellant, Nayana Reddy is absolutely entitled to the "B" Schedule property hereunder;

C.It is declared that the two separate sale deeds, both dated 27.02.1997, executed by the deceased first appellant in favour of the second and the third respondents and the rectification deed dated 25.03.1997 executed by the 1st appellant in favour of the 2nd respondent, are sham and nominal documents and hence void ab initio;

D.The respondents 2, 5 and 6 unconditionally withdraw the second appeal in S.A.No.2331 of 2004 and the same shall stand dismissed.'



2. In the light of the above, the Second Appeal in S.A.No.2330 of 2004 is disposed of in terms of Joint Memorandum of Compromise and the compromise memo shall form part of the decree.

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3. Since the learned counsel for appellants 1, 3 and 4 in S.A.No.2331 of 2004 seeks permission of this Court withdraw the Second Appeal in S.A.No.2331 of 2004, the same shall stand dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed, if any.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

1. The Principal District Judge
District Court
Chengalpattu.

2. The Subordinate Judge
Subordinate Court,
Maduranthakam.

+1 CC to Mr.T.Ayyasamy, Advocate sr 7292
+2 Ccs to Mr.R.Sunil Kumar, Advocate sr 7177 & 7178.

S.A.Nos.2330 and 2331 of 2004

NRJK (CO)
SP (23/03/2022)