



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.736 of 2010

WEB COPY

1.Valsalam Nadar (died)

2.Jerin Austin

3.Austin Jebaraj

4.Aeron ... Appellants / Appellants / Defendants
(1st appellant died and the appellants 2 to 4 who are already on record are recorded as LR's of the deceased 1st appellant vide court order dated 04.04.2022)

-Vs-

Johnrose (died) ... Respondent / Respondent / Plaintiff

2.Mariyammal (died)

3.Thangababy

4.Pushparani

5.Ebanezer

6.Ashok Pratap Singh

7.Queen Epsipa ... Respondents

(Respondents 2 to 7 are brought on record as LR's of the deceased sole respondent vide order dated 10.02.2022 made in C.M.P.(MD)No.1205 & 1206 of 2017)
(2nd respondent died and the respondents 3 to 7 who are already on record are recorded as LR's of the deceased R2 vide court order dated 04.04.2022)

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the decree and judgment dated 18.11.2009 made in A.S.No.16 of 2009 on the file of the Subordinate Judge, Padmanabhauram confirming the decree and judgment dated 16.12.2008 made in O.S.No.18 of 2006 on the file of the Additional District Munsif, Padmanabhapuram.



For Appellants : Mr.P.Thiagarajan
For R 3 to R7 : Mr.S.Micheal Heldon Kumar

JUDGMENT

The second appeal arises out of a suit for demarcation / fixing of boundaries. The defendants are the appellants.

2. During the pendency of the appeal, the first respondent as well as the second respondent passed away. But all the legal heirs have been brought on record. The first appellant is also no more. The appellants 2 to 4 are his legal heirs. The parties have amicably resolved the issues between themselves. The joint memo of compromise dated 04.04.2022 has been filed. A sketch which has also been counter signed by the parties is enclosed. The memo of compromise has also been signed by the counsel on either side. The impugned judgment and decree are modified. This second appeal is disposed of in terms of the joint memo of compromise dated 04.04.2022. The joint memo of compromise as well as the enclosed survey sketch shall form part of the decree. All the three appellants are present in person before me. The 5th respondent is also present in person. The other respondents are his siblings. He confirms their signatures also. No cost.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Subordinate Judge, Padmanabhauram.
- 2.The Additional District Munsif, Padmanabhapuram.

Copy To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-16443[F] dated 04/04/2022
+1 CC to M/s.S.MICHEAL HELDON KUMAR, Advocate (SR-16444[F] dated 04/04/2022)

Judgment made in
S.A.(MD)No.736 of 2010
04.04.2022

SS (CO)

TR(08.06.2022) 2P 7C

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