



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

Wednesday, Twenty Fourth day of August Two Thousand Twenty Two
PRESENT

THE HON'BLE MR.JUSTICE N.SESHASAYEE

S.A.(MD) No.146 of 2012

and

C.M.P.(MD)No.6989 of 2022

WEB COPY

1.Vellachami (died)

2.Bavayee Ammal

...Appellants/Appellants/Defendants

3.V.Rajathi

4.V.Subramani

...Appellants

[Appellants 3 and 4 were brought on record as legal heirs of the deceased first appellant vide Court order dated 23.01.2018]

-vs-

1.Abdur Rahim Private Wakf Estate,

Warners Road, Cantonment,

Thiruchirappalli,

Represented by its Administrator,

Now at Mohammed Abdullah,

S/o Ubedullah,

No.4, Old Post Office Road,

Bheema Nagar, Trichy. ...1st Respondent/Respondent/Plaintiff

2.V.Ramaswamy

...2nd Respondent

[Second respondent brought on record as legal heir of the deceased first appellant vide Court order dated 23.01.2018]

Prayer:- Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree of the Lower Appellate Court dated 23.12.2010 passed in A.S.No.245 of 2007 on the file of II Additional Sub Court, Thiruchirappalli, confirming the judgment and decree of the trial Court dated 20.03.2007 passed in O.S.No.2599 of 1996 on the file of the Principal District Munsif, Thiruchirappalli.

DECREE:-

This Second Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal and the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the suit and upon hearing the arguments of Mr.H.Lakshmi Shankar, Advocate for the Appellant, Mr.A.Arumugam for Ajmal Associates, Advocate for the 1st Respondent, R2- Unserved, this court while Dismissing the Second Appeal in terms of Joint

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i) That this appeal is dismissed as per the terms of the compromise.

ii) That the relevant portion of the Joint Compromise Memo dated 24.8.2022 as follows:

1. The appellants agreed that the decrees of the Courts below are correct and they are to be confirmed.

2. However to maintain peace and to maintain good relation between parties in future also and to avoid further litigations, the Appellants 2 to 4 have received a sum of Rs.3,00,000/- (Rs.Three Lakhs only) by way of 2 Demand Drafts (1. Name. V.Subramani, DD No.856406, Amount Rs.2,00,000/- (Rupees Two lakhs only), (2. Name. V.Rajathi, DD No.856405, Amount. Rs.1,00,000/- (Rupees one lakh only)) from the 1st Respondent and the Appellants 2 to 4 have given up all their claims in respect of the suit properties in O.S.No.2599 of 1996 on the file of District Munsif Court, Thiruchirappalli.

3. The Appellants 2 to 4 further agreed that the 1st respondent is the absolute owner of the suit property and the Appellants 2 to 4 have handed over the possession of the suit property on today and the appellants herein agreed that the second appeal may be dismissed without cost.

4. The appellants further agreed that the 1st respondent is entitle to receive the entire compensation from the revenue authorities in respect of the entire site and entire superstructure thereon and the appellants will not stake or prosecute any claim for compensation over any portion of site or superstructure thereof as if the appellants 2 to 4 have some right or possession in them.

5. Since the 2nd Appellant is an old women and not able to come to Court and since 4th Appellant has promised to receive her share of the amount also and to give the same to the 2nd Appellant, the sum of Rs.2,00,000/- (Rupees Two lakhs only) is given today by way of DD No.856406 drawn on Indian Overseas Bank, Trichy-Cantonment-0093, payable at Tiruchengode. The amount payable to the 2nd Appellant/mother is Rs.1,00,000/- only (Rupees one lakh only)



6. Since, the 2nd respondent has not preferred any appeal and the judgments and decrees of the Courts below have already become final as regards Ramaswamy, he is not entitled to any amount from the 1st respondent or the appellants.

ii) that there no costs in this Second Appeal.

Sd/-

Assistant Registrar(AE)

// True Copy //

/08/2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of Compromise memo.

TO

1. The II Additional Sub Court, Thiruchirappalli.
2. The Principal District Munsif Court, Thiruchirappalli

Copy to:

1. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)
2. The Section Officer, E.R. Section,
Madurai Bench of Madras High Court, Madurai.
(To return the original document to the concerned)

+1 cc to M/s. T.V. Sivakumar, Advc, SR40462

+1 cc to M/s. Ajmal Associates, SR40167

DATED : 24.08.2022

DECREE + JUDGMENT

SA(MD). No.146 of 2012

Nature of Decree:- Dismissing the Appeal in terms of Joint Compromise Memo wherein the Second Appeal is filed against the the judgment and decree of the Lower Appellate Court dated 23.12.2010 passed in A.S.No.245 of 2007 on the file of II Additional Sub Court, Thiruchirappalli, confirming the judgment and decree of the trial Court dated 20.03.2007 passed in O.S.No.2599 of 1996 on the file of the Principal District Munsif, Thiruchirappalli., etc., as stated therein.,

ss (CO)

TR(26.08.2022) 3P 8C

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