



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

SA(MD) . No.118 of 2017

1 B.K.KUMARANATH

2 B.K.RAVINDRANATH

3 B.K.VATSALA BAI

... Appellants/Defendants

Vs

1 R.G.SURIYAKALA

2 K.N.R.RAMILA

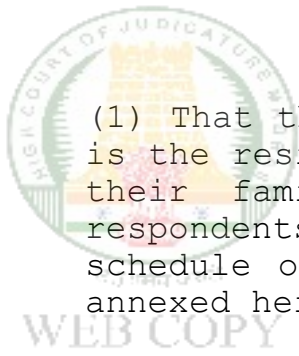
... Respondents/Plaintiffs

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Fourth Additional District Judge, Madurai dated 18.01.2016 made in Appeal Suit No.35 of 2015 preferred against the judgment and decree of the Fifth Additional Subordinate Judge, Madurai made in Original Suit No. 1102 of 2012 dated 25.02.2015.

DECREE:-

This Second Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, 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.J.BARATHAN, Advocate for the Appellants and of Mr.M.RAJARAMAN, Advocate for the respondents, and the Parties herein having settled their differences and entered into a compromise between themselves and through their respective counsel and having filed the memo of compromise duly signed by the both parties as well as by their Advocates and upon perusing the memo of compromise the original of which is annexed herewith and this court while disposing the appeal in terms of the said compromise, doth order and decree as follows:-



(1) That the item 1 of the schedule of properties as per the plaint is the residential house. The appellants 1 and 2 residing in it with their family, so it is agreed between the parties that the respondents 1 and 2 are not claiming any share in item 1 of the schedule of properties as per the plaint shown in the sketch No 1 annexed herewith.

(2) That in item 1 of the schedule of properties as per the plaint the southern portion shown in the sketch No.2 annexed with this compromise petition shall be allotted to the share of the first appellant B.K.Kumaranath, it is also mentioned as item 1 of the properties in the compromise petition allotted to the first appellant B.K.Kumarnath

(3) That in item 1 of the schedule of properties as per the plaint, the northern portion shown in the Sketch No.3 annexed herewith shall be allotted to the share of the second appellant B.K.Ravindarantah, it is also mentioned as item 1 of the properties in the compromise petition allotted to the second appellant B.K.Ravindranath

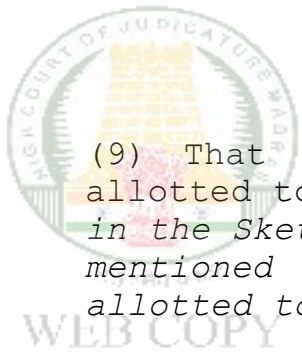
(4) That in item 1 of the schedule of properties as per the plaint the east to west running common pathway situated on the east shown in the sketch No.2 and 3 annexed herewith shall be commonly enjoyed by the appellants 1 and 2 B.K.Kumaranath and B.K .Ravindranath.

(5) That in item 1 of the schedule of properties as per the plaint, the east to west running common pathway situated on the east shown in the sketch No.2 and 3 annexed herewith shall be allotted absolutely to the share of the second appellant after the demise of the first appellant and his wife; in other words, the right of the first appellant and his wife to use the above common pathway will cease after their demise. If during their life time, the first appellant alienates or encumbers the southern portion of the property shown in the Sketch No.2, the alienee shall not get any right over the said common pathway and the second appellant alone shall be absolutely entitled to the said common pathway.

(6) That in item 1 of the schedule of properties as per the plaint though the extent is mentioned as 72 Cents, as on date only 71 cents are available on ground as per measurements taken with the help of Surveyor and Engineer.

(7) That in item 2 of the schedule of properties as per the plaint shall be divided into four portions as shown in the sketch No.4 annexed herewith.

(8) That the north western portion measuring 8 cents shall be allotted to the share of the second appellant B.K.Ravindranath as shown in the Sketch No.4 annexed with this compromise petition; it is also mentioned as item 2 of the properties in the compromise petition allotted to the second appellant B.K.Ravindranath.



(9) That the north eastern portion measuring 3 cents shall be allotted to the share of the first appellant B.K.Kumaranath as shown in the Sketch No.4 annexed with this compromise petition; it is also mentioned as item 2 of the properties in the compromise petition allotted to the first appellant B.K.Kumaranath.

(10) That the middle portion measuring 30 cents shall be allotted to the share of the second respondent K.N.R. Ramila as shown in the Sketch No.4 annexed with this compromise petition, it is also mentioned as item 1 of the properties in the compromise petition allotted to the second respondent K.N.R. Ramila.

(11) That the southernmost portion measuring 30 cents shall be allotted to the share of the first respondent R.G.Suriyakala as shown in the sketch No.4 annexed with this compromise petition it is also mentioned as item 1 of the properties in the compromise petition allotted to the first respondent R.G.Suriyakala.

(12) That each of them is entitled to alienate and encumber the properties allotted to their respective share.

(13) That all the four sketches annexed with this compromise petition shall form part of the compromise petition and the compromise decree.

(14) That the final decree may be presented to the concerned Sub Registrar and the same may be registered.

(15) That the expenses stamp duty and registration charges for registering the final decree shall be borne equally by the appellants.

(16) That there be no costs in this Appeal.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

TO

1. Fourth Additional District Judge, Madurai

2. Fifth Additional Subordinate Judge, Madurai



Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 CC to M/s.T.R.JEYAPALAM, Advocate (SR-2260 dated 24/01/2022)

ORDER DATED : 21/01/2022

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FINAL DECREE

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SA(MD) . No.118 of 2017

Nature of Decree:-
Disposed of the
Second Appeal in terms
of Joint Compromise
memo filed by the
parties preferred
against the judgment
and decree of
the against the judgment
and decree of the Fourth
Additional District
Judge, Madurai dated
18.01.2016 made in
Appeal Suit No.35 of
2015 preferred against
the judgment and decree
of the Fifth Additional
Subordinate Judge,
Madurai made in
Original Suit No. 1102
of 2012 dated
25.02.2015 and etc as
stated within.

SS/15/12/2022/ 4P 7C