



S.A.Nos.783 and 784 of 1996 & SA(MD)No.583 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2022

CORAM: JUSTICE N.SESHASAYEE

S.A.Nos.783 and 784 of 1996
and S.A(MD)No.583 of 2012

In S.A.No.783 of 1996:

1. Jansi Rani
2.Minor Subash Chandra Reddy Appellants/Appellants/Plaintiffs

Vs.

1. Arumuga Reddiar
2. Shanmuga Reddiar
3. Ovu Reddiar (Died) ... Respondents/Respondents/Defendants

(R1 and R2 are recorded as LR's of the deceased 3rd respondent Vide order dated 05.12.2007 in Memo USR No.3920 by DR(AS)).

Prayer : Second Appeal is filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 08.02.1996 in A.S.No.75 of 1994 on the file of the Subordinate Judge, Thenkasi, confirming the judgment and decree dated 31.03.1994 in O.S.No.384 of 1988 on the file of the District Munsif, Sankarankoil.

For Appellants : Mrs.AL.Gandhimathi
For R1 & R2 : Mr.T.Balaji
R3 : Died

In S.A.No.784 of 1996:

Jansi Rani Appellant/Appellant/Defendant

Vs.

Ovu Reddiar (Died) ... Respondent/Respondent/Plaintiff
2. Arumuga Reddiar
3. Shanmuga Reddiar ... Respondents 2 and 3/LR's of the sole respondent

(R2 and R3 are brought on record as LR's of the deceased sole respondent Vide Court order dated 22.03.2007 in M.P.Nos.2 and 3 of 2007 (ASJ))



S.A.Nos.783 and 784 of 1996 & SA(MD)No.583 of 2012

Prayer : Second Appeal is filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 08.02.1996 in A.S.No.76 of 1994 on the file of the Subordinate Judge, Thenkasi, confirming the judgment and decree dated 31.03.1994 in O.S.No.383 of 1988 on the file of the District Munsif, Sankarankoil.

For Appellant : Mrs.AL.Gandhimathi

For R2 & R3 : Mr.M.P.Senthil

R1 : Died

In SA(MD)No.583 of 2012:

1.Jansi Rani

2.Minor Subash Chandra Reddy Appellants/Appellants/Plaintiffs

Vs.

1. Ramalingam .

2. Arumuga Reddiar

3. Shanmuga Reddiar

4. Ovu Reddiar

5. Murugan ... Respondents/Respondents/Defendants

Prayer : Second Appeal is filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 08.02.1996 in A.S.No.77 of 1994 on the file of the Subordinate Judge, Thenkasi, confirming the judgment and decree dated 31.03.1994 in O.S.No.408 of 1988 on the file of the District Munsif, Sankarankoil.

For Appellants : Mrs.AL.Gandhimathi

For R5 : No appearance



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COMMON JUDGMENT

S.A.No.783 of 1996 arises out of O.S.No.384 of 1988. S.A(MD)No.583 of 2012 arises out of O.S.No.408 of 1988. At the time of filing of the suits, the second plaintiff/second appellant in both appeals was minor and today, he has attained majority. The second appellant in both appeals is now declared as major. He was represented by the first plaintiff/first appellant as guardian when he was minor and now the first appellant in both appeals was discharged.

2.S.A.Nos.783 and 784 of 1996 and S.A(MD)No.583 of 2012 are connected appeals. While S.A.No.783 of 1996 arises out of a suit for declaration of title and for injunction, S.A.No.784 of 1996 and S.A(MD) No.583 of 2012 arise out of 2 separate suits for prohibitory injunction and for mandatory injunction.

3. Be that as it may, Ovu Reddiyar, who was arrayed as the 4th respondent in S.A.(MD)No.583 of 2012 and first respondent in S.A.No.784 of 1996 and third respondent in SA.No.783 of 1996, was dead. Ovu Reddiyar's heirs are the appellants and the respondents 1 and 2 in S.A.No.783 of 1996.



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4. In S.A.No.783 of 1996, both parties along with their respective counsels appeared before the court and both sides made a statement that they have compromised the matter. A memo of compromise duly signed by the parties and their respective counsels too has been filed. This Court is satisfied with the compromise and the memo of compromise is recorded. Since the matter was compromised and the compromise memo was also recorded as per law, S.A.No.783 of 1996 was disposed of. No costs. A decree is directed to be drafted in terms of the compromise. The compromise memo shall form part of the decree.

5. In view of the compromise, the parties evinced interest to withdraw S.A.No.784 of 1996 and S.A(MD)No. 583 of 2012. The learned counsel appearing for the appellants in both appeals has made an endorsment to that effect. Hence, S.A.No.784 of 1996 and SA(MD)No.583 of 2012 are dismissed as withdrawn. No costs.

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Index : Yes/No

Internet: Yes/No

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To,

- 1.The Subordinate Judge, Thenkasi.
- 2.The District Munsif, Sankarankoil.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A.Nos.783 and 784 of 1996 & SA(MD)No.583 of 2012

N.SESHASAYEE, J.,

CM

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and S.A(MD)No.583 of 2012

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