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A.S.Nos.1129 and 1130 of 2007,
C.M.A.No.3213 of 2007 &
Cros.Obj.Nos.24 and 28 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. B. BALAJI

A.S.Nos.1129 and 1130 of 2007,
C.M.A.No.3213 of 2007 and
Cros.Obj.Nos.24 and 28 of 2008
and
M.P.No.1 of 2007 and M.P.No.1 of 2012

A.S.No.1129 of 2007:

S.Lakshmanan

... Appellant

Vs.

1.Abirami Somasundaram
2.S.Vedambal
3.R.Prabhavathi
4.IndraniDorairaj
5.Nandhini
6.Akhilandeswari
7.Abarajitha

... Respondents



A.S.Nos.1129 and 1130 of 2007,
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A.S.No.1130 of 2007:

S.Lakshmanan

... Appellant

Vs.

1.SLV Engineers P Limited,
a registered Private Limited Company,
rep.by its Managing Director,
Mr.N.S.Viswanathan,
having its registered office at
No.15, Thachil Complex,
No.10, Annamalai Road,
Saibaba Colony,
Coimbatore - 641 011.

2.N.S.Viswanathan
3.Lakshminarayanan
4.Sanjeev Mathew Rajan
5.S.Vedambal
6.R.Prabhavathi
7.Abirami Somasundaram

... Respondents

C.M.A.No.3213 of 2007:

S.Lakshmanan

... Appellant

Vs.

1.S.Vedambal
2.R.Prabhavathi
3.Abirami Somasundaram

... Respondents



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Cros.Obj.24 of 2008:

R.Prabhavathi

... Appellant

Vs.

- 1.S.Lakshmanan
- 2.Abiramani Somasundaram
- 3.S.Vedambal
- 4.Indrani Dorairaj
- 5.Nandhini
- 6.Akhilandeswari
- 7.Abarajitha

... Respondents

Cros.Obj.28 of 2008:

Abirami Somasundaram

... Appellant

Vs.

- 1.S.Lakshmanan
- 2.S.Vedambal
- 3.R.Prabhavathi
- 4.Indrani Dorairaj
- 5.Nandhini
- 6.Akhilandeswari
- 7.Abarajitha

... Respondents

Prayer in A.S.No.1129 of 2007: Appeal Suit filed under Section 96 of Code of Civil Procedure against the Judgment and Decree dated 12.10.2007 in O.S.No.224 of 2005 on the file of the I Additional District Court, Erode.



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Prayer in A.S.No.1130 of 2007: Appeal Suit filed under Section 96 of Code of Civil Procedure against the Judgment and Decree dated 12.10.2007 in O.S.No.233 of 2007 on the file of the I Additional District Court, Erode.

Prayer in C.M.A.No.3213 of 2007: Appeal filed under Order 43 Rule 1 of the Code of Civil Procedure read with Section 384 of the Indian Succession Act, 1925, against the Judgment and Decree dated 12.10.2007 in Succession Original Petition No.75 of 2007 on the file of the I Additional District Court, Erode.

Prayer in Cros.Obj.24 of 2008: Cross Objection filed under Order 41 Rule 22 of the Code of Civil Procedure against the Judgment and Decree dated 12.10.2007 in O.S.No.224 of 2005 on the file of the I Additional District Court, Erode.

Prayer in Cros.Obj.28 of 2008: Cross Objection filed under Order 41 Rule 22 of the Code of Civil Procedure against the Judgment and Decree dated 12.10.2007 in O.S.No.224 of 2005 on the file of the I Additional District Court, Erode.



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For Appellants : Mr.T.V.Ramanujam,
Senior Counsel
for Mr.M.Narayanaswamy
in A.S.Nos.1129, 1130 of 2007
and C.M.A.No.3213 of 2007

Mr.P.Valliappan,
Senior Counsel
for Mr.G.Rm.Palaniappan
in Cros.Obj.No.24 of 2008

Mr.Srinath Sridevan,
Senior Counsel
for Mr.T.Girish
in Cros.Obj.28 of 2008

For Respondents : Mr.Srinath Sridevan,
Senior Counsel
for Mr.T.Girish
for R1 in A.S.No.1129 of 2007 and
for R2 in Cros.Obj.24 of 2008

Mr.T.S.Baskaran
for R2 in A.S.No.1129 of 2007 &
for R5 in A.S.No.1130 of 2007 and
for R1 in C.M.A.No.3213 of 2007

Mr.S.Parthasarathy,
Senior Counsel
for Mr.G.Rm.Palaniappan
for R3 in A.S.No.1129 of 2007 and
for R3 in Cros.Obj.No.28 of 2008



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Ms.R.Apoorva
for M/s.Sarvabhauman Associates
for R4 to R7 in A.S.No.1129 of 2007
and for R4 to R7
in Cros.Obj.24 and 28 of 2008

Mr.P.Valliappan,
Senior Counsel
for Mr.G.Rm.Palaniappan
for R3 & 6 in A.S.No.1130 of 2007

Mr.E.Sampathkumar for R1, 2 and 4
in A.S.No.1130 of 2007

No appearance for R7
in A.S.No.1130 of 2007

Mr.T.V.Ramanujam,
Senior Counsel
for Mr.M.Narayanaswamy for R1
in Cros.Obj.24 and 28 of 2008

Batta due for R2
in Cros.Obj.No.28 of 2008
for R3 in Cros.Obj.No.24 of 2008



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J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

In A.S.No.1129 of 2007, Ms.Abirami Somasundaram, the first respondent herein, filed a suit O.S.No.224 of 2005 before the I Additional District Court, Erode, for partition and separate possession of the properties described in A to F Schedules in the Plaint.

2.The appellant also filed a suit O.S.No.233 of 2007 for recovery of money against M/s.SLV Engineers P Limited and S.O.P.No.75 of 2007 for a Succession Certificate in respect of the amount which is due from M/s.SLV Engineers P Limited, the defendant in O.S.No.233 of 2007.

3.The suit O.S.No.224 of 2005 was decreed in favour of the first respondent and O.S.No.233 of 2007 and S.O.P.No.75 of 2007 were dismissed. Appeal in A.S.No.1129 of 2007 is preferred as against the Judgment and Decree granted in O.S.No.224 of 2005 and the respondents 1



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and 3 have preferred Cross Objections. A.S.No.1130 of 2007 and C.M.A.No.3213 of 2007 are preferred by the appellant against the dismissal of O.S.No.233 of 2007 and S.O.P.No.75 of 2007, respectively.

4.Since this Court, after hearing the appeals partly, has suggested to find out possibility of a settlement between the parties by taking advise from their respective counsels, the appellants and the contesting respondents in the above appeals have negotiated for a fair and amicable settlement having regard to their relationship and reported the same before this Court.

5.After mutual discussions, the parties have agreed and settled their dispute amicably on the basis of the compromise recorded in the Joint Memorandum of Compromise signed by the parties in the presence of their respective counsels.

6.The Joint Memorandum of Compromise, dated 14.02.2023, signed



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by the parties is produced before this Court today. The terms of the compromise are as follows :

"7.After mutual discussions, the parties have agreed as under:

- a) That a compromise decree may be passed in A.S.No.1129 of 2007 (and Cross Objection Nos.24 and 28 of 2008) granting to respondents 1 and 3 therein (namely, Abirami Somasundaram andPrabhavathi Ramanathan) the following:

Portions granted to respondents 1 and 3:

(i)55% of the total extent of Schedule A property, such 55% being the Eastern 55% along with service connection in 04-032-005-318, and the appellant retaining the residual 45% (on the West), along with Service Connection No.04-032-005-313, to be shifted to the Western portion.

(Note: In schedule A property S.No.811/4 has already



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been sold under exhibits A-17 to A.20.

(ii)The half share held by appellant and respondents 1 to 3, in the schedule B property, in entirety

(iii)Schedule D property, in entirety

(iv)Schedule E property, in entirety

(v)The entire share of Vedambal (2nd respondent in A.S.No.1129 of 2007, and now deceased) in Sy.No.124/1 (ad-measuring 4.00 acres or thereabouts) in Thoraiyampalayam Village, Gobichettipalayam Taluk, Erode District, currently standing in the name of mother of Mrs.Vedambal.

(vi)Physical possession of terms (i), (iii) and (iv) above will be delivered by appellant on or before 1st March, 2023, along with original title deeds of item (iii) and (iv) and certified copy item (i) and it being clearly understood that the properties are unencumbered.

Since Schedule D and Schedule E properties are



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tenanted, the appellant shall ensure that the respective tenants attorn to the respondents 1 and 3 abovenamed on or before 1st March 2023, and appellant shall also transfer to the respondents 1 and 3 simultaneously, the security deposit or advance, as the case may be, deposited by such tenants.

(vii) Regarding Item (v) above, Vedambal had an undivided share as the legal heir of her mother Parvathi Ammal. The entire share she was entitled to shall vest with the respondents 1 and 3 are entitled to the same and the appellant relinquishes his right over the same.

b) that the appellant in A.S.No.1130 of 2007 and C.M.A.No.3213 of 2007 be permitted to withdraw O.S.No.233 of 2007 and S.O.P.No.75 of 2007, as settled out of Court.

c) Each party will bear their respective costs. The parties will have no claim against each other.



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8.That it shall be open to the parties to register this decree, should they feel it necessary to do so.

9.This settles all the claim of the respondents 1 and 3 abovenamed, against the appellant, regarding the movable and immovable properties of father and mother in all respects.

10.The parties are entitled to get their respective exhibits marked in the suit."

7.The parties as well the Counsels appearing for them requested this Court to dispose of the appeal in A.S.No.1129 of 2007 and Cross Obj.Nos.24 and 28 of 2008 and to pass a decree in terms in the Joint Memorandum of Compromise. Having regard to the terms of the compromise and the request of the learned counsels appearing on either side, this Court is inclined to dispose of these appeals in terms of the Joint Memo of Compromise. The suit in O.S.No.224 of 2005 on the file of the I Additional District Court, Erode, is decreed in terms of Joint Compromise



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8.Since the appellants in A.S.No.1130 of 2007 and C.M.A.No.3213 of 2007 have decided to withdraw these appeals they sought for permission of this Court to withdraw these appeals. Having regard to the terms of the compromise and the request of the learned counsels appearing on either side, C.M.A.No.3213 of 2006 and A.S.No.1130 of 2007 are dismissed as withdrawn.

The terms of the Joint Memorandum of Compromise, dated 31.01.2023, shall form part of records. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.S.S.R., J.) (P.B.B., J.)
14.02.2023

mps

Internet : Yes

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Index : Yes / No

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To

1.The I Additional District Court,
Erode.

2.The Section Officer,
VR Section, High Court,
Chennai.



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and
P. B. BALAJI, J.

mps

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