



C.M.A.No.579 of 2009 and S.A.818 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.579 of 2009 and S.A.818 of 2008

C.M.A.No.579 of 2009 and S.A.818 of 2008

S.Abubakkar

... Appellant

Vs.

1. G.Agoram (Died)
2. A.Edison
3. A.Arul Kennedy
4. A.Ezhilarasi
5. The Commissioner,
Tamabaram Corporation,
Chennai.

... Respondents

(Sole Respondent died. Respondents 2 to 4 are brought on record as Lrs of the deceased sole Respondent Viz.G.Agoram vide Court order dated 21.11.2023 in C.M.P.Nos.25532, 25534 & 25537 of 2023 in C.M.A.No.579 of 2009 and C.M.A.Nos.25531, 25533 & 25535 of 2023 in S.A.No.818 of 2008)

(R5 is Suo motu impleaded vide Court order dated 07.12.2023 made in C.M.A.No.579 of 2009 & S.A.No.818 of 2008)

Prayer in C.M.A.No.579 of 2009: Civil Miscellaneous Appeal filed under Order 43 (1) of C.P.C.against the judgment and decree dated 30.10.2007 made in A.S.No.120 of 2005 by the Additional Sub-ordinate Judge at Chengalpet remanded back the judgment and decree dated 23.03.2005 of the District Munsif at Tambaram in O.S.No.81 of 2001.



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Prayer in S.A.No.818 of 2008: The Second Appeal is filed under Section 100 of Code of Civil Procedure, 1908 against the judgment and decree dated 30.11.2007 made in A.S.No.14 of 2006 by the learned Principal Subordinate Judge, Chengalpattu, confirming the judgment and decree dated 23.3.2005 of the Court of the District Munsif at Tambaram in O.S.No.74 of 2003.

Both Appeals:

For Appellant : Mr.K.Ashok Kumar

For Respondents : Mr.M.R.Kuyilan

COMMON JUDGEMENT

The issue involved in the present appeals are one and the same they are disposed of by way of this common order.

2. When the matter is taken up hearing the learned counsel for the appellant and the respondents in both the appeals submitted a joint memo of compromise dated 21.12.2023 entered into between them wherein it has been stated that both the parties will not cause any hindrance to each other in their respective possession of the subject matter shop and they have also taken an undertaking to surrender the possession of the suit shop as and when the corporation requires for demolition and reconstruction of the shops without any objection or creating any hurdle.



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3. In view of the joint memo of compromise submitted by the learned counsel appearing for the appellant and the respondents, these appeals are disposed of. The parties are directed to follow the conditions in respect of the joint memo of compromise. The joint memorandum of compromise dated 21.12.2023 shall form part and parcel of this decree.

No costs.

21.12.2023

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Index : Yes / No

Speaking order / Non speaking order

Neutral Citation Case : Yes / No

To

- 1.The Principal Subordinate Judge, Chengalpattu
2. The District Munsif, Tambaram
- 3.The Section Officer, V.R.Section, High Court, Madras.



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M.DHANDAPANI, J.

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