



S.A. No. 1188 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No. 1188 of 2009

and

M.P.No. 1 of 2012

Mohamed Abubacker Ansar (died)

- 2 Mohammed Usain Abdula Usman
- 3 Ghulam Thasthagear Mohamed
Abdul Wahab
- 4 Mohamed Omer Kader Khaleelullah
- 5 Ghouseunnissa Khathija

Raffunnissa (died)

- 7 Shamshu

Rahmath Begam (died)

- 9 Mehboom
Appellants 2 to 4 and 6 to 9 rep.
by their Power of Attorney Agent
5th Appellant

- 10 Sohel Mustafa
- 11 Habeeb Khusroo
- 12 Dawood Faisal
- 13 Akheel Ahmed



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(A10 to A13 brought on record as
LRs of the deceased A1 vide court
order dated 18/04/2023 made in
C.M.P.Nos. 3334, 3338 and 3340
of 2023)

14 Mohammed Haroon

(14th appellant brought on record
as LRs of the deceased 6th Appellant
vide court order dated 06.06.2023
made in C.M.P.Nos. 10724, 10726
and 10727 of 2022)

15 Humaira Saleem

16 Abdul Wahab

17 Tahera Banu

18 Ali Mohamed

19 Hussaina Banu

20 Mohamed Abubakar Asim

(Appellants 15 to 20 brought on
record as LRs of the deceased 8th
Appellant Vide Order of Court
dated 06.06.2023 made in C.M.P.
No.10824, 10821 & 10819 of 2023)

.. Appellants

Versus

Zakhra (died)

2 Halima Mehboob

3 Ayisha Mehboob

4 Habibaunnissa @ Rashidha

5 Gulab Jilani

6 Ghouse Mohideen

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Kutbudeen (died)

Abu Ahmed (died)

(8th Defendant iImpleaded as the
legal representative 7th defendant
on 4/9/1996)

9 Akhtari Begum

10 Muxaffar

11 Azhar

12 Judaaid

13 Afsgan

14 Azra

(9th to 14th respondents are LR's of
the Deceased 6th Respondent as per
order dated 6/12/2007)

15 Mohamed Farooq

16 Mohamed Abdul Rasheed

17 Mohamed Ali

18 Ayesha Bee

19 Syeda Ayesha

20 Ameena

21 Abida

22 Adill U

23 Aaliya S.

(15th to 23rd respondents are legal heirs
of 1st Respondent vide order of court
dated 06.06.2023 made in C.M.P.
Nos. 10777, 10779, 10782 of 2022)



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24 Abrar Mohammed

25 Ayesha Faheem

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(R24 and R25 brought on record as LR
of the deceased R8 vide Order of court
dated 06.06.2023 made in C.M.P.No.
10788 of 2022)

... Respondents

Prayer :- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree in A.S.No. 435 of 2003 on the file of VI Addl. City Civil Court, Chennai dated 30.07.2008 confirming the judgment and decree passed in O.S.No.8635 of 1995 on the file of the learned XI Asst. Judge, City Civil Court, Chennai dated 07.03.2001.

For Appellants : Mr.Mohammed Ghouse

For Respondents : R1, R5 & R8 – died

R7 & R9 – died

No appearance for R2, R3, R4,
R6, R10 to R14

Mr. T.Sathish for R15 to R23

JUDGEMENT

Today, when the matter taken up for hearing, both learned counsel for appellants and respondents 15 to 23 appeared. Already this matter was



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referred to mediation and the report from the Mediation Centre is received.

Before the Mediation and Conciliation Centre of this court, settlement was arrived amicably between the parties and a settlement agreement was executed by both parties. The copy of settlement agreement enclosed in the typed set of papers was perused.

2. As per the terms of settlement agreement, both parties have settled the issue and the parties have divided the property. To that effect, 'A' and 'B' schedule was also mentioned in the said agreement. Accordingly, this Second Appeal is disposed of as per terms and conditions of Settlement Agreement. The said Settlement Agreement dated 13.09.2023 shall form part and parcel of the decree. No costs. Consequently, connected Miscellaneous Petition is closed.

20.10.2023

Index : Yes/No

Speaking Order : Yes/No

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To

1. VI Addl. Judge,
City Civil Court, Chennai.

2. XI Asst. Judge,
City Civil Court, Chennai.

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T.V.THAMILSELVI, J.

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