



A.S Nos.44 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

A.S. No. 44 of 2019
& A.S No.281 of 2020

A.S No. 44 of 2019

- 1.M.Parameshwari (died)
2. Amudha
3. S.Vatschala
4. M.Venkatkrishnan
5. (A1 died, A2 to A4 are brought on record as legal heirs of deceased 1st appellant viz., M.Parameshwari, vide order of Court dated 21.04.2023 made in CMP. No.12791 of 2020 in A.S No. 44 of 2019)

.... Appellant in A.S No. 44 of 2019)

Vs

1. M.Sampath
- 2.Selvamani

...2nd respondent in A.S No. 44 of 2019 & 2nd respondent in A.S No. 281 of 2020

- 3.A.N. Padmanabhan

...3rdrespondent in A.S No. 44 of 2019 & 3rdrespondent in A.S No. 281 of 2020

- 4.M.Baskar

.... 4th respondent in A.S No. 44 of 2019 & 4th respondent in A.S No. 281 of 2020

- 5.The Executive Officer,
Perungalathur Town Panchayat,
Chennai – 600 063.



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... 5th respondent in A.S No. 44 of 2019 & 5th respondent in A.S No. 281 of 2020

6. The Member Secretary,
Chennai Metro Politan Development Authority,
Thalamuthu Natrajar Building,
Chennai – 600 008.

... 6th respondent in A.S No. 44 of 2019 & 6th respondent in A.S No. 281 of 2020

7. The Tahsildar,
Tambaram Taluk,
Chennai 600 009.

... 7th respondent in A.S No. 44 of 2019 & 7th respondent in A.S No. 281 of 2020

8. The Village Administrative Officer,
Perungalathur Village,
Tambaam Taluk.

... 8th respondent in A.S No. 44 of 2019 & 8th respondent in A.S No. 281 of 2020

9. The sub Registrar,
Padapai,
Sriperumbudur Taluk,
kanchipuram Taluk.

... 9th respondent in A.S No. 44 of 2019 & 9th respondent in A.S No. 281 of 2020

10. The Assistant Engineer,
Tamil Nadu Electriciy Board,
(Distribution and Maintenance)
Perungalatur,
Chennai 600 063.

... 10th respondent in A.S No. 44 of 2019 & 10th respondent in A.S No. 281 of 2020

11. E. Rajakumari

.... 11th respondent in A.S No. 44 of 2019 & Appellant ins AS No. 281 of 2020

12. S. Kantha

13. J. Subha

14. S. Sivasakthi

.... R12 to R14 are legal heirs of R1 in both appeals

15. B. Poornima

... 15th respondent in A.S No. 44 of 2019 & 15th respondent in A.S No. 281 of 2020
(R1 died, R12 to R14 are brought on record as legal heirs of deceased 1st



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respondent viz., R.Sampath, vide order of Court dated 21.04.2023 made in
CMP Nos. 6578, 6580, 6581 of 2023 in A.S No.44 of 2019)

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....15th Respondent (A.S No. 44 of 2019 and 281 of 2019

PRAYER in A.S No. 44 of 2019: This appeal has filed under Section 96 r/w Order 41 Rule 1 of the Code of Civil Procedure to set aside the judgment and decree passed in O.S No.48 of 2012 and E.A. No. 51 of 2012 in E.P No. 45 of 2012 in O.S No. 104 of 2007 dated 30.07.2018 on the file of the District Court II, Kanchipuram and the allow the appeal suit.

PRAYER in A.S No. 281 of 2020: This appeal has filed under Section 96 r/w Order 41 Rule 1 of the Code of Civil Procedure against the judgment and decree in O.S No.48 of 2012 on the file of the District Court II, Kanchipuram, dated 30.07.2018.

For Appellant

(in A.S No. 44 of 2019) : Ms.A.V.Bharathi

For Respondents

(in A.S No. 44 of 2019) : Mr.N.Jothi, Senior counsel.
for Mr.D.Shivakumar

For Appellant

(in A.S No. 281 of 2020) : Ms.E.Rajakumari

Party in person

For Respondents

(in A.S No. 281 of 2020) : Mr.N.Jothi, Senior counsel.



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COMMON JUDGMENT

The legal heirs of the first respondent/Sampath are impleaded as party in A.S No. 44 of 2019 since the first respondent in A.S No. 281 of 2020 and A.S No. 44 of 2019 is one and the same hence there is no necessity to file separate Miscellaneous petition to implead the first respondent's legal heirs in A.S No. 281 of 2020.

2. When the matter is taken up for hearing both the parties appeared before this Court and submitted that they have entered into an compromise to that effect they filed memo of compromise. Originally suit in O.S No.48 of 2012 on the file of the District Court II, Kanchipuram, was filed by the Parameswari and Rajakumari who are appellants in these appeals. Now, 1st plaintiff Parameswari died hence her legal heirs are impleaded and the 2nd plaintiff in suit Rajakumari are also appeared before this Court in person, Since the first defendant Sampath died hence his legal heirs and the 2nd defendant Selvamani and 3rd defendant Padmanabhan and 4th defendant Baskar also appeared before this Court in person. The defendants 5 to 10 are Government officials they are remains exparte.



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3. As per the terms of the compromise the parties agreed to

receive amounts which mentioned in the table below:

SL. No.	PARTY NAME & AADHAR NO.	DD NO	DATE	BANK & BRANCH	AMOUNT IN RUPEES
1	AMUDHA (No. 488070722691)	520864	20.04.2023	ICICI & SELAIYUR	20,00,000/-
2.	M.VENKATA KRISHNAN (No.385800529043)	520910 520863	31.03.2023 20.04.2023	ICICI & SELAIYUR	10,00,000/- 45,00,000/-
3.	S. VATSHALA (No. 314395042306)	520861	20.04.2023	ICICI & SELAIYUR	20,00,000/-
4	SELVAMANI (No. 287837194926)	520911 520862	31.03.2023 20.04.2023	ICICI & SELAIYUR	2,00,000/- 18,00,000/-
5	E.RAJAKUMARI (No. 392448296523)	NEFT 520912 520860	29.11.2022 31.03.2023 20.04.2023	AXIS & SELAIYUR ICICI & SELAIYUR ICICI & SELAIYUR	1,00,000/- 2,00,000/- 16,00,000/-
6.	S.KANTHA (No.878612471032)	520914 520858	31.03.2023 20.04.2023	ICICI & SELAIYUR	2,00,000/- 8,00,000/-
7	J.SUBHA (210149440685)	520915 520859	31.03.2023 20.04.2023	ICICI & SELAIYUR	2,00,000/- 8,00,000/-
8	S.SIVASAKTHI (No.344342555692)	520913 520857	31.03.2023 20.04.2023	ICICI & SELAIYUR	2,00,000/- 8,00,000/-
9	B.POORNIMA (No.342947932281)	520916 520856	31.03.2023 20.04.2023	ICICI & SELAIYUR	2,00,000/- 8,00,000/-



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4. As per the terms of the compromise, the parties mentioned in the above table have received the aforementioned amount by way of Demand Draft before this Court and the terms of the compromise is read over to the them and they are admitted to the terms of the compromise. Further, while filing compromise memo there was typographical error in page No. 9 & 10 of the compromise memo which is replaced before this court and both sheets are enclosed in the said compromise memo.

5. Compromise memo is recorded, which is forming part of the decree. Accordingly, this appeals are disposed of. Consequentially connected miscellaneous petitions are closed. No costs.

21.04.2023

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To

1. The District Court II, Kanchipuram.
2. The Section Officer,
V.R Section.



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T.V.THAMILSELVI,J.

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