



S.A.Nos.187 of 2020 & 189 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.03.2023

CORAM : JUSTICE N.SESHASAYEE

S.A.Nos.187 of 2020 & 189 of 2020
and CMP.Nos.3826 & 3827 of 2020

S.A.No.187 of 2020 :

D.Diwakar (Died) 1st Appellant / 1st Respondent
/1st Defendant

2..D.Lakshmi

3.D.Vishnu Priya ... Appellants 2 &3

(Appellants 2 & 3 are brought on record as LR's of the deceased sole appellant viz., D.Diwakar vide order of Court dated 15.06.2022 made in CMP.No.10580 & 10561/2021 in S.A.Nos.187 & 189/2020

Vs.

1.S.Maragathavalli Ammal

2.Roopa Marbil

... Respondents / Appellant, 2nd
Respondent / Plaintiff, 2nd defendant

(R2 given up)

S.A.No.189 of 2020 :

D.Diwakar (Died) 1st Appellant / 1st Respondent
/1st Defendant

2.D.Lakshmi

3.D.Vishnu Priya ... Appellants 2 &3

(Appellants 2 & 3 are brought on record as LR's of the deceased sole appellant viz., D.Diwakar vide order of Court dated 15.06.2022 made in CMP.No.10580 &



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10561/2021 in S.A.Nos.187 & 189/2020

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Vs.

K.K.Sabapathi Mudaliar (deceased)
Muthulakshmi Ammal (deceased)
1.S.Maragathavalli Ammal
2.Roopa Marbil

.... Respondents / 2nd Appellant,
2nd Respondent / 2nd plaintiff,
2nd defendant

(R2 given up)

Common Prayer : Second Appeal filed under Section 100 of Code of Civil Procedure praying to set aside the decree and the judgment dated 20.12.2019 rendered in A.S.No.118 of 2018 and A.S.No.140 of 2018 on the file of the VII Additional City Civil Court at Chennai reversing the decree and judgment dated 24.11.2017 rendered in O.S.No.7294 of 1996 and O.S.No.6702 of 1996 on the file of the VIII Assistant Judge, City Civil Court at Chennai, by allowing the second appeal and to grant such other relief of reliefs as this Court may deem fit and proper in the circumstances of the case.

For Appellants : Mr.T.S.Baskaran
(in both S.As) for Mr.N.Premkumar

For Respondents : Dr.C.Ravichandran for R1
(in both S.As) R2 - Given up



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ORDER

The legal heirs of the first defendant in O.S.No.7294 of 1996 and O.S.No.6702 of 1996 on the file of the VIII Assistant Judge, City Civil Court at Chennai, have preferred these appeals.

2. The suits were dismissed by the trial Court whereas they were reversed by the first Appellate Court in A.S.No.118 of 2018 (preferred against O.S.No.7294/1996) and A.S.No.140/2018 (preferred against O.S.No.6702/1996).

3. Be that as it may, the parties have entered into a compromise dated 10.08.2022, based on which, the first defendant / appellant had undertaken to hand over the suit property in O.S.No.7294 of 1996 to the plaintiff. In terms thereof, both the parties have entered into a memo of compromise.

4.1 The memo of compromise signed by the parties is made available, and the parties also appeared before the Court along with their respective counsel. Today, this Court is informed that the legal representatives of the appellant in both the second appeals (1st defendant in O.S.No.7294/1996 &



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3rd defendant in O.S.No.6702/1996) , have complied with the terms of the compromise. To state it differently, they have delivered the suit property to the plaintiff in O.S.No.7294/1996.

4.2. So far as the subject matter of O.S.No.6702/1996 is concerned, the second plaintiff therein agrees for retention of suit property therein by the defendants.

5. Accordingly, S.A.No.187 of 2020 arisen from O.S.No.7294/1996 is dismissed and S.A.No.189 of 2020 that has arisen from O.S.No.6702/1996 is allowed. The compromise memo is required to be made a part of the decree, and the decree be passed in terms of the compromise. Both sides required to lend their co-operation for effecting mutation in revenue records or such other records maintained by any other public or statutory authorities, and this compromise decree is adequate. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
ds

N.SESHASAYEE.J.,



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ds

To:

1. The VII Assistant Judge
City Civil Court, Chennai.
2. The VII Additional Judge
City Civil Court, Chennai.
3. The Section Officer
VR Section, High Court, Madras.

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08.03.2023