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S.A.No.35 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2023

CORAM

THE HONOURABLE MR. **JUSTICE G.K.ILANTHIRAIYAN**

S.A.No.35 of 2023  
and  
CMP Nos.1084 & 1088 of 2023

Chandracas

....

Petitioner

Vs

Vinayagam

....

Respondent

**Prayer :-** This Second Appeal is filed under Section 100 of Civil Procedure Code as against the Judgment and Decree dated 29.03.2019 made in A.S.No.57 of 2016 on the file of the Principal District Judge, Cuddalore, in confirming the Judgment and Decree dated 11.07.2016 made in O.S.No.88 of 2014 on the file of the Principal Subordinate Judge, Cuddalore.

For Appellant : Mr.N.Damodaran

For Respondent : Mr.K.A.Vimal Kumar

**JUDGMENT**

This Second Appeal has been filed as against the Judgment and Decree dated 29.03.2019 made in A.S.No.57 of 2016 on the file of the Principal District Judge, Cuddalore, in confirming the Judgment and Decree dated 11.07.2016 made in O.S.No.88 of 2014 on the file of the



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Principal Subordinate Judge, Cuddalore.

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2. Pending Second Appeal, both the parties have entered into a Joint Memo of Compromise and also executed on 22.01.2023. The Joint Memo of Compromise is as follows :-

*“(i) That the respondent herein Mr.P.Vinayagam, do hereby acknowledge and admit that the appellant herein Mr.P.Chandracas is the owner of the property comprised in New S.No.3/2 (Hect.1.42.0 are) Natham S.No.211/5 (0.01.5 are) and 211/6 (0.12.5 are) and old S.Nos.365/1 (0.60 acre), 365/2 (0.54 acre), 365/3 (0.60 acre), 365/4 (0.32 acre), 365/6 (0.08 acre), 365/7 (0.39 acre), 365/8 (0.41 acre) 365/9 (0.42 acre) totally in an extent of 3.36 acres in this 33 cents (15773  $\frac{3}{4}$  square feet or 1465.96 square meter) of vacant land, Kudikadu Village, Cuddalore Taluk and District that was the subject mater of purchase by the appellant Mr.R.Chandracas Padayachi from his vendors Mrs.Prema and three others under the sale deed dated 03.03.2014 and registered as Doc.No.745 of 2014 on the file of the Joint Sub Registrar II, Cuddalore and the subject matter of the patta number 823 with the following boundaries viz.,*

*North by : East to West Road ;  
South by : K.C.Avenue Plots ;*



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*East by : the plots belong to Chandracas and his wife Prema*

*and*

*West by : Plot Nos.22 to 27B*

*and marked RED in colour in the annexed plan and do hereby admit that he shall have no title, right, interest or possession over the aforesaid property.*

*(ii) That the respondent herein Mr.P.Vinayagam, do hereby admit that the property purchased by him under the sale deed, dated 28.01.2009 and registered as Doc.No.252 of 2009 on the file of the Joint Sub Registrar II, Cuddalore from his vendor Mrs.K.Deivanai Achi with specific boundaries, is situated in New S.No.2/2, Old S.No.368/3, Kudikadu Village, Cuddalore Taluk and District and as evidenced by the sale deed, dated 22.10.1996 and registered as Doc.no.2326 of 1996 on the file of the Joint Sub Registrar II, Cuddalore, entirely in a different place and has nothing to do with the property that is the subject matter of the suit in O.S.No.88 of 2014 on the file of the Subordinate Judge, Cuddalore, as initiated by the appellant Mr.R.Chandracas as against the respondent Mr.P.Vinayagam.*

*(iii) the respondent herein do hereby admit that either himself or his heirs or assignees or anybody claiming or acting through him will not interfere with the possession and enjoyment of the property or in any manner deal with the properties comprised in New*



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*S.No.3/2 (Hect.1.42.0 are) Natham S.No.211/5 (0.01.5 are) and 211/6 (0.12.5 are) and old S.Nos.365/1 to 365/4 and 365/6 to 365/9 totally in an extent of 33 cents out of 3.36 acres of vacant land, Kudikadu Village, Cuddalore Taluk and District in an extent of 15773  $\frac{3}{4}$  square feet or 1465.96 square meter of vacant land by Mr.R.Chandrakas or his heirs or assignees etc.*

*(iv) The Judgment and Decree dated 11.07.2016 made in O.S.No.88 of 2014 on the file of the Principal Subordinate Judge at Cuddalore and as confirmed by the Judgment and Decree dated 29.03.2019 made in A.S.No.57 of 2016 on the file of the Principal District Judge, Cuddalore may be set aside and the suit filed in O.S.No.88 of 2014 on the file of the Principal Sub Judge at Cuddalore and initiated by the appellant herein seeking for declaration of title of the suit property and consequential permanent injunction may be decreed in favour of the appellant viz., Chandracas*

*(v) The appellant herein already paid a sum of Rs.12,05,000/- (Rupees Twelve Lakhs and Five Thousand only) to the respondent for contesting the aforesaid proceedings below the Courts below and before the Hon'ble High Court, Madras.*

*(vi) It has been agreed to between the parties that the respective parties bear their own cost."*

3. In view of the settlement arrived at between the parties,



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the Second appeal is disposed of. The terms of the Joint Memo of  
Compromise shall form part and parcel of the decree. Consequently,  
connected Miscellaneous Petitions are closed. No costs.

23.01.2023

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

To

- 1.The Principal District Judge, Cuddalore.
- 2.The Principal Subordinate Judge, Cuddalore.



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**G.K.ILANTHIRAIYAN, J.**

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