



S.A.No.606 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2023

CORAM:

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

S.A.No.606 of 2020

Devadoss

.. Appellant

Vs.

1.Rajammal
2.Jeevarekha

.. Respondents

PRAYER : Second Appeal is filed under Section 100 of the Code of Civil Procedure, against the Judgement and Decree dated 25.11.2019 made in A.S.No.22 of 2019, on the file of the Additional Subordinate Judge, Namakkal and confirming the Judgment and decree dated 05.01.2019 made in O.S.No.352 of 2017 on the file of Additional District Munsiff, Namakkal.

For Appellant : Mr.S.Senthil

For R2 : Mr.M.R.Radhakrishnan

For R1 : Died



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J U D G M E N T

WEB COPY The appeal has been filed to set aside the Judgement and Decree dated 25.11.2019 made in A.S.No.22 of 2019, on the file of the Additional Subordinate Judge, Namakkal and confirming the Judgment and decree dated 05.01.2019 made in O.S.No.352 of 2017 on the file of Additional District Munsiff, Namakkal.

2. Heard, Mr.S.Senthil, learned counsel for the appellant and Mr. M.R.Radhakrishnan learned counsel for the second respondent and perused the materials available in the record.

3. The learned counsel for the appellant submitted that the suit in O.S.No.352 of 2017 on the file of Additional District Munsif, Namakkal. was filed by the appellant /plaintiff seeking declaration to declare the gift deed dated 09.03.1983 as null and void and for permanent injunction. The trial Court dismissed the suit on 05.01.2019 against the same first appeal was preferred in A.S.No.22 of 2019 on the file of Additional Subordinate Judge, Namakkal. The first appellate Court dismissed the appeal and confirmed the



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judgement of the trial Court on 25.11.2019. By challenging the same the present Second Appeal has been filed. During the pendency of the Second appeal the first respondent died and subsequently the parties have decided to enter into the compromise.

4. The terms of compromise have been arrived at between the parties as follows:

"1. The appellant and the 2nd respondent accept the gift deed dated 09.03.1983 marked as Ex.A3.

2.The appellant agrees to allot the respondent half share in the suit schedule properties as per the gift deed dated 09.03.1983 as shown in the rough plan attached along with this compromise memo. In the rough plan and portions highlighted in red colour are allotted to the 2nd respondent herein.

3. Each party is entitled for 66.5 cents in S.No.139/13 which consist of a total extent of 1 acre 33 cents. Further, each party is entitled for 0.30 cents out of 0.60 cents comprised in S.No.139/20.



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4. *The land in Northern half in S.No.139/13 is allotted to the 2nd respondent and Southern half in S.No.139/13 is allotted to appellant.*

5. *The land in Western half in S.No.139/20 is allotted to the 2nd respondent and Eastern half in S.No.139/20 is allotted to appellant.*

6. *Both the parties have equal share in the Well situated in S.No.139/13 respectively.*

7. *The appellant and his legal heirs agree that they will not claim any right in the property allotted to the respondent.*

8. *The respondent and their legal heirs agree that they will not claim any right in the property allotted to the appellant.*

9. *The parties agree that the appellant and 2nd respondent shall in co-ordination with each other shall take steps to mutate the Revenue records in their names to respective properties allotted to them."*



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5. When the matter is taken up for hearing, today, the learned counsel for the appellant and the second respondent appeared in person before this Court. As per terms of compromise, the claim between the parties are settled.

6. Since the matter is settled out of Court, the Second Appeal is dismissed as settled out of Court. The Memorandum of Compromise dated 31.08.2023 shall form part of the decree. No costs.

31.08.2023

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1.The Additional Subordinate Judge,
Namakkal.

2.The Additional District Munsif,
Namakkal.

3.The Section Officer,
VR section, High Court of Madras.



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T.V.THAMILSELVI, J.

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