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S.A.No.1197 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

S.A.No. 1197 of 2019

and C.M.P.Nos.3366, 24481 of 2023 & 26148 of 2017

1.Chandra Mouli

2.Mathivanane

...Appellants

Vs.

1.Sengeniammal @ Sarojini (Died)

Kamalakannan (Died)

2.Jayarani

3.Vijaya

4.Meera @ Kamali

5.Valarmathi

6.Shanthini (Minor)

Represented by her Mother

Ranganathan (Died)

Kumudha @ Devi (Died)

Anbazhagan (Died)

Santhi (Died)

7.Jayandan

8.Sasikala

9.Jothi

10.Sugunthi

11.Ramkumar

12.Lakshman Kumar

13.Shoba Devi

Lakshmikantham @ Tolassiammallee (Died)

14.Canniyacoumary

15.Thangavelu



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16.Canagarajane
17.Sathiyamurthy
18.Minatchey
19.Chellaperumal
20.Nagarany
21.Narayanan

...Respondents

(R2 to R4 are already brought on record as
Legal Representatives of the deceased R1
vide order dated 14.07.2023 made in
S.A.No.1197 of 2019)

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 30.09.2019 made in A.S.No.80 of 2018, on the file of the II Additional District Judge, Puducherry confirming the judgment and decree dated 03.10.2018 made in E.A.No.7 of 2018 in E.P.No.56 of 2009 in O.S.No.153 of 1989 on the file of the Additional Principal Sub-Judge, Puducherry.

For Appellants : Mr.A.Kripakaran
for Mr.V.S.Senthilkumar

For Respondents 2 to 6 : Mr.P.Suresh Babu

For Respondents : Mr.P.Jeyapalan
8 to 10, 12& 13

For Respondents 14 to 21 : Mr.D.Ravichandran



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ORDER

The learned counsel for the appellants filed a memo dated 19.10.2023 stating that his clients entered into a compromise with the contesting respondents 2 to 6 and the Memorandum of Understanding signed between them dated 27.09.2023, was also registered as a Document No.30411 of 2023 on the file of Sub Registrar, Puducherry.

2. The learned counsel made an endorsement in the grounds of appeal, seeking leave of the Court to withdraw the Second Appeal as per Clause 3 of the Memorandum of Understanding. It is also made clear that if the respondents 2 to 6 failed to act in terms of Clause 2 of Memorandum of Understanding, the appellants are at liberty to reopen the appeal as agreed between them under Clause 9 of Memorandum of Understanding.

3. The learned counsel appearing for the respondents 14 to 21 submits that he has got reservation with regard to the Memorandum of Understanding between the appellants and the respondents 2 to 6. The respondents 14 to 21 are not parties to the Memorandum of Understanding between the appellants and the respondents 2 to 6. In such circumstances, the terms of Memorandum of Understanding will not bind them.



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4. Recording the memo filed by counsel for appellant dated 19.10.2023 and the Memorandum of Understanding dated 27.09.2023 annexed therewith and also the endorsement of the learned counsel for the appellants, the Second Appeal is dismissed as withdrawn with liberty as stated above. The memo as well as the Memorandum of Understanding appended with memo shall form part of the order in the Second Appeal. In view of the dismissal of the Second Appeal, the connected miscellaneous petition is closed. No costs.

20.10.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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To

1. The II Additional District Judge, Puducherry.
2. The Additional Principal Sub-Judge, Puducherry.

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