



S.A. No. 67 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No.67 of 2020
&
C.M.P. No. 1326 of 2020
and
Cross Obj. No.1 of 2021
&
C.M.P.No. 12130 of 2023

S.A.No.67 of 2020

1.Arukkani,

2. Sivakumar

... Appellants

Versus

Nallammal

... Respondent

Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree of District and Sessions Judge, Namakkal in A.S.No.14 of 2016 dated 26.02.2019 and thereon amended by an order dated 26.09.2019 in so far as it partly decreed the suit after setting aside the judgment and decree of Sub-Court, Namakkal in O.S.No.100 of 2010 dated 05.01.2016.



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WEB COM Cross Obj. No.1 of 2021

Nallammal

.. Objector

Vs.

1. Mrs.Arukkani

2. Mr.S.Sivakumar

.. Respondents

Prayer:- Cross Objections filed under Order XLI Rule 22 of C.P.C., against the judgment and decree of Principal District Judge, Namakkal dated 6.02.2019 passed in A.S.No.14 of 2016 modifying the decree and judgment of Sub-Court, Namakkal dated 05.01.2016 passed in O.S.No.100 of 2010.

For Appellants : Mr.K.Suresh Babu
in S.A.No. 67 of 2020

For Respondent
in S.A.No.67 of 2020 : Mr.P.Sesubalan Raja

For Objector : Mr.P.Sesubalan Raja
in Cross Obj.No.1/2021

For Respondent
in Cross Obj.No.1/2021: Mr.K.Suresh Babu



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JUDGEMENT

WEB COPY Today, when the matter taken up for hearing, both learned counsel for appellants and respondent appeared. The 2nd Appellant and the respondent also appeared in person. The 1st appellant, who is aged about 65 years old lady appeared through video conference.

2. Already a joint compromise was filed by the appellants and respondent along with Advocate Commissioner's report and the same were perused. The learned Advocate Commissioner was directed to record the compromise and obtain signature from Arukkani, 1st appellant in her native place. Accordingly, he went to 1st appellant's native place at Namakkal and he read over the terms of compromise to her and the same was accepted by the 1st appellant, after that, she affixed her signature in the joint memo of compromise. The report of Advocate Commissioner is also recorded.

3. Today, when the matter taken up for hearing, the 1st appellant appeared through video conference and she was enquired by this court. She is conscious and she expressed that she is willing to record the joint memo



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of compromise. With her full knowledge, she signed in the joint memo of compromise without any coercion and the same was recorded. Accordingly, this Second Appeal is disposed of. The joint memo of compromise shall form part and parcel of this decree. However, both parties are directed to sell the property and settle the issue as early as possible. No costs. Consequently, the connected Cross Obj. No.1 of 2021 and other Civil Miscellaneous Petitions are closed.

24.08.2023

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To

Principal District Judge,
Namakkal.



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T.V.THAMILSELVI, J.

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& Cross Obj. No.1 of 2021

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