



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Fourth day of January Two Thousand Twenty Three

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

SA(MD) . No.475 of 2005

1 RAJU (DIED) ... Appellant / Respondent / Plaintiff

2 ARPUTHAM,
W/O.LATE.P.RAJU,

3 ANANDAN,
S/O.LATE.P.RAJU

4 MUTHULAKSHMI,
D/O.LATE.P.RAJU

5 MARUDHUPANDIAN (DIED)

6 KATTABOMMAN,
S/O.LATE.P.RAJU,
(Appellants 2 to 6 brought on record as LRs
of the deceased sole Appellant)

7 MUNIYAMMAL,
W/O. LATE. MARUTHUPANDIAN,

8 MINOR. VETHA VIYASH,
S/O. LATE. MARUTHUPANDIAN,

9 MINOR. NACHIYASRI,
D/O. LATE. MARUTHUPANDIAN,
(MINORS REPRESENTED THROUGH THEIR MOTHER
AND GUARDIAN - 7th APPELLANT)

... Appellants

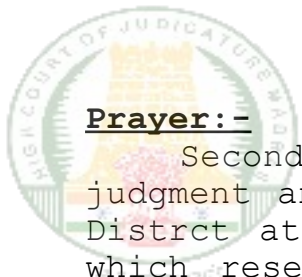
(APPELLANTS 7 TO 9 ARE BROUGHT ON RECORD
AS LRS OF THE DECEASED 5th APPELLANT VIDE
COURT ORDER DATED 21.12.2022 MADE IN CMP
(MD)Nos.12343, 12345 and 12346 OF 2022
SA(MD)No.475 of 2005)

...Vs...

1 VADIVEL

2 RAVICHANDRAN

... Respondents / Appellants /
Defendants

**Prayer:-**

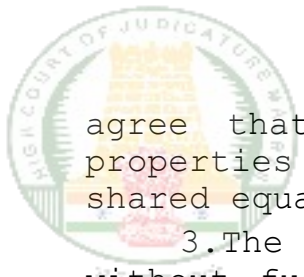
Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the Principal District Judge, Virdhunagar District at Srivilliputhur, in A.S. No.59 of 2004 dated 19.01.2005 which reserved the decree and judgment of the Subordinate Judge, Aruppukottai in O.S. No.265 of 2001 dated 05.12.2003 and to restore and confirm the decree and judgment of the Subordinate Court, Aruppukottai in O.S. No.265 of 2001 dated 05.12.2003.

DECREE:-

This Second Appeal having is came up for final hearing on this date, in the presence of Mr.R.Devaraj, Advocate for Appellant and Mr.A.Sivaji, Advocate for respondent and the appellant and respondent herein having settled their differences and entered into compromise requesting the court to pass a decree in the Appeal in turn themselves through their respective advocates and having filed a joint compromise memo dated 04.01.2023 duly signed by the parties as well as by their Advocates, and upon perusing the grounds of Appeal as well as the judgment and decree of the Courts below and the records relating to the case and this court while recording the said memo of compromise and disposing the Second Appeal and Civil Revision Petition in terms of the Joint Compromise memo, and doth order and decree as follows :-

1. In pursuance of the Joint Compromise memo, the compensation which has to be awarded through competent officer has been deposited as per L.A.O.P.No.55/2001 and L.A.O.P.No.315/2001 on the file of the Sub-Court, Aruppukkottai filed by the 1st party among us on his own. The 1st party agrees to give 1 /2 share to the 2nd parties after the expenses of litigation. The 2nd party also agree to withdraw the compensation amount deposited in Sub-Court, Aruppukkottai through his counsel in L.A.O.P.No.55/2001 and L.A.O.P.No.315/2001 and hand over the amount to either to the 2nd party or heirs of 2nd party as stated supra.

2. The 1st and 2nd party agree that 16th scheduled suit property in Survey No.56/1 measuring about 0.60.0 hectares disputed in O.S.No.265/2001 is purely owned by the 2nd respondent, and 1st and 2nd party also agree that there is no right and possession over the 2nd party or their legalheirs in respect of the above said property. The scheduled properties in 18,19,20,21,24,25 and 26 in O.S.No.265/2001 is separately owned by the 1st party among us and the 2nd agree that there is no rights over the aforesaid properties to the 2nd party and his legal heirs. Even though the case was dismissed regarding the 22nd item of the property in A.S.No.59/2004, the above said 22nd Item of the property was acquired by the Government and compensation has been given and the same is under land acquisition proceedings. The 1st party and 2nd party among us



agree that 1st and 2nd party have equal right over the other properties in 1 to 15, 17, and 23 and 27 and the same has to be shared equally each other.

3. The 2nd party among us has to withdraw the second appeal without further proceedings in S.A.No.475/2005 on the file of the Madurai Bench of Madras High Court by mentioning the compromise made among us. As same as, the 2nd party also has to withdraw suit in O.S.No.87/2010 on the file of the Sub-Court, Aruppukkottai.

The 1st party among us also agrees to withdraw the Civil Revision Petition in C.R.P.(MD) No.136/2012 filed before the Madurai Bench of Madras High Court.

We 1st and 2nd parties have signed in the presence of witnesses in the present Compromise Agreement.

SCHEDULE OF PROPERTIES

The property has to be enjoyed and possessed by the 2nd respondent Ravichandran among us mentioned in O.S.No.265/2001.

PROPERTY

Punja Land in Survey No.56/1 with an extent of 0.60.0 hectares situated in Mandhoppu Village. Kariapatti Taluk, Virudhunagar District.

The 1st party Vadivel among us has to be enjoyed the properties as follows:

DETAILS

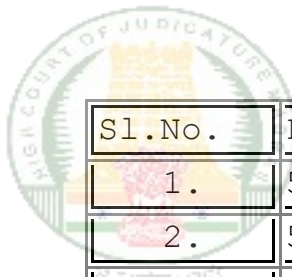
The punja survey Numbers situate in Accankulam Village, Kariapatti Taluk, Virudhunagar District.

1. Survey No.61/10B (New No.61/10B2) 0.34.0 Hectare
2. Survey No.61/2C - 0.35.0 Hectare
3. Survey No.62/2 - 0.29.0 Hectare
4. Survey No.62/3A - 0.29.0 Hectare
5. Survey No.81/2 - 0.56.0 Hectare
6. Survey No.81/5 - 1.17.5 Hectare
7. Survey No.85/9 - 0.43.0 Hectare

(The above said survey numbers are shown the properties of 18th to 21, 24, 25 & 28 in O.S.No.265/2001 on the file of the Sub-Court, Aruppukkottai)

The details of the properties to be enjoyed commonly by the 1st and 2nd parties among us.

The punja survey Numbers situate in Mandhoppu village, Kariapatti Taluk, Virudhunagar District.



Sl.No.	Punja Survey Number	Hectare
1.	5/18D	0.08.0
2.	5/18	0.00.5
3.	8/3	0.28.5
4.	8/4A	0.10.5
5.	8/4B	0.04.0
6.	8/4C	0.12.0

Vaiyampatti Village, Kariapatti Taluk, Virudhunagar

7.	150/6	0.18.0
8.	167	1.24.0 including Juriflora trees.

Acchankulam village, Kariappatti Taluk, Virudhunagar District.

9.	Garden S.F.No.56/5	0.14.0
10.	Garden S.F.No.56/6	0.63.0
11.	Garden S.F.No.56/8	0.29.5
12.	Garden S.F.No.56/9	0.35.0
13.	Garden S.F.No.61/3A	0.22.0
14.	Garden S.F.No.56/6	0.14.0 including Well and 3 HP Pump Set Room.
15.	Garden S.F.No.61/8	0.16.0
16.	Punja No.56/7	0.12.0
17.	Punja S.F.No.49/4	0.44.5

18. Centering Houses in Door No.123A, B in Manthoppu village, Kariapatti Taluk, Virudhunagar District.

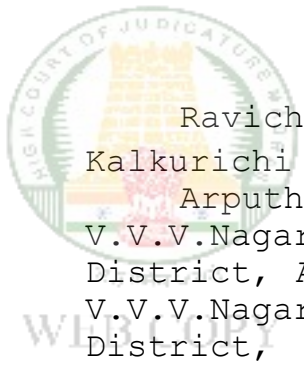
North : Paramasivam House & Common Lane
East : Common Lane, Samuthirapandian House
South : East west Street
West : South North Street and Channel.

41 feet in East West and 20 feet in South North as per schedule.

(The above said survey numbers has been shown as item numbers 1 to 15, 17, 23 and 27 in O.S.No.265/2001 on the file of the Sub-Court, Aruppukkottai).

16th Date of December, 2022

Vadivel, son of Late Periyar residing at Manthoppu Village, Kalkurichi Via, Kariapatti Taluk, Virudhunagar District



Ravichandran, son of Vadivel residing at Manthoppu, Kalkurichi Via, Kariapatti Taluk, Virudhunagar District as 1st Party Arputham (1) wife of Late Raju, residing at Door No.1-1-75, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District, Anandham (2) son of Late Raju residing at Door No.1-1-75, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District, Muthulakshmi (3) wife of Late Raju residing at Door No.1-1-75, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District, Kattabomman (4), son of Late Raju, residing at Door No.1-1-75, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District, Muniammal (5) wife of Late Marudhupandian residing at Door No.21-A, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District, Minor VedhaViyas (6) daughter of Late Marudhupandian residing at Door No.21-A, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District, Natchiarsree (7) daughter of Late Marudhupandian residing at Door No.21-A, V.V.V.Nagar, Mallankinaru Village, Kariapatti Taluk, Virudhunagar District (6th and 7th party are represented through 5th party and mother and guardian Muniammal), the above said 7 persons are 2nd party - the 1st and 2nd party entered into Compromise Agreement as follows:

The 1st party Vadivel and Late Raju who is the husband of the 1st person in 2nd party, father of the 2nd to 4th persons, father in law of the 5th person in 2nd party and grandfather of the 6th and 7th persons in 2nd party, are blood brothers. The lands in Survey No.61/3B, measuring about 0.34.5 hectares situate in Kariapatti Taluk, Virudhunagar District, Survey No.61/7A measuring about 0.23.0 Survey No.62/4A, measuring about 0.26.0 hectares, Survey No.62/4B measuring about 0.09.0 hectares, Survey No.61/10A measuring about 0.04.0 hectares and Survey No.62/3B, measuring about 0.10.05 was acquired by the Tamil Nadu Government for forming Branch Channel under Sennampatti Dam Project, in the year 1991. For the above said acquired lands, the 1st party received compensation from the Land Acquisition Officer and took action for additional compensation petitions and on the basis of the petitions, the files were sent to Sub-Court, Srivilliputhur under Sec.18 of Land Acquisition Act and thereafter sent to newly established Sub-Court, Virudhunagar and subsequently sent to newly established Sub-Court, Aruppukkottai and numbered as L.A.O.P.No.55/2001 and 315/2001. After the trial, the judgment and decree was passed in favour of the 1st party among us. Also the 2nd party among us filed a petition for partition against the 1st party and his son Ravichandran in respect of 1st to 27th schedule properties in O.S.No.265/2001 on the file of Sub-Court, Aruppukkottai. After the trial on both side, the judgment was passed against the 1st party finding that the 2nd parties have equal share in respect of all the suit properties by its judgment dated 05.12.2003. Aggrieved over the same, the 1st party filed appeal in A.S.No.39/2004 before the District Court, Srivilliputhur and the



trial court partly allowed the appeal suit and mod: on 19.01.2005. Aggrieved over the same, the 2nd party among us filed a second appeal in S.A.No.4785/2005 before the Madurai Bench of Madras High Court and the same is pending as on date.

During the pendency of the above said cases, on the basis of the judgments and decrees filed against the 1st party and Special Tahsildar (Land Acquisition), Small Agricultural Project Virudhunagar in L.A.O.P.No.55/2001 and L.A.O.P.No.315/2001, the 1st party handed over 1 /2 share of compensation amountsto the 2nd party and O.S.No.87/2010 was filed on the file of the Sub-Court, Aruppukottai and the same is pending. The 1st party among us filed an application in I.A.No.291/2010 in O.S.No.87/2010 praying that the 2nd party among us are not entitled to share in compensation of Land Acquisition and strike off the suit in O.S.No.87/2010 and after the trial the above said application was dismissed filed against the 2nd party. Aggrieved against the same, the 1st party filed Civil Revision Petition in CRP (MD) No.136/2012 before the Madurai Bench of Madras High Court and the same is pending. In these circumstances, to avoid unnecessary tribulations, loss of money and loss of time, the 1st and 2nd parties among us enter into compromise agreement:

That the Second Appeal is disposed off,
9) That there shall be no order as to costs, in this Second Appeal.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

To

- 1) The Principal District Judge, Virudhunagar District at Srivilliputhur.
- 2) The Subordinate Judge, Aruppukottai.
(Copy of the Joint Compromise memo is annexed)

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY

SA(MD)



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+1 CC to M/s.R.DEVARAJ, Advocate (SR-1224 dated 06/01/2023

+1 CC to M/s.A.SIVAJI, Advocate (SR-640 dated 05/01/2023)

ORDER DATED : 04/01/2023

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COMPROMISE DECREE

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SA(MD) . No.475 of 2005

Nature of Decree:- Disposing the Second Appeal preferred against the judgment and decree dated 19.01.2005 passed in A.S. No.59 of 2004 by the Principal District Judge, Virudhunagar District at Srivilliputhur reversing the Judgment and Decree dated 05.12.2003 passed in O.S. No.265 of 2001 on the file of the Subordinate Court, Aruppukottai etc., as stated within.

MK/16.05.2023 7P 7C