



S.A.(MD).No.147 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

S.A.(MD).No.147 of 2021

and

C.M.P.(MD).No.2179 of 2021

1.K.Ganesan

2.E.Kali (Died)

3.M.Dhamodaran (Died)

4.S.Dhanapalan

5.P.Jayam

6.M.Sankaran (Died)

S.Esakkimuthu (Died)

7.E.Surendran

8.E.Murugesan

9.Esakkiammal

... Appellants/Appellants 1, 4, 5, 6 & 8 to 10/
Defendants 1, 4 to 6 & LRs of 7th Defendant

Vs.

K.Ganesan (Died)

1.K.Murugesan



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2.K.Sundaram

3.K.Santhanamaharaja

4.Sathyabama

...Respondents/Respondents 2 to 5/
Plaintiffs 2 to 4

Prayer: Second Appeal is filed under Section 100 of CPC to set aside the judgment and decree dated 29.07.2019 passed in A.S.No.51 of 2015 on the file of the learned Sub Court, Tuticorin confirming the judgment and decree dated 17.11.2014 passed in O.S.No.464 of 1994 on the file of learned Principal District Munsif Court, Tuticorin.

For Appellants : Mr.A.Mohamed Haneef
for Mr.M.P.Senthil

For R-1 and R-2 : Mr.M.Mohamed Ibram Saibu

JUDGMENT

A joint memorandum of compromise dated 19.06.2023 has been filed by which the parties have agreed to settle the dispute amongst themselves. The appellants and the respondents are present before this Court. All of them have unaniously submitted that they are agreeable to the joint memorandum of compromise dated 19.06.2023.

2. The said joint memorandum of compromise has been signed by the appellants 1, 5, 8 and 9, who are all villagers having common interest over the



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suit schedule property. A resolution has also been passed on 10.06.2023 by the villagers for entering into the joint memorandum of compromise and the villagers have also signed in the said resolution.

3. The respondents are the plaintiffs in the suit O.S.No.464 of 1994 on the file of the Principal District Munsif Court, Tuticorin. They have succeeded before the Trial Court and the Lower Appellate Court, namely, the Sub Court, Tuticorin by its judgment and decree dated 29.07.2019 has also confirmed the findings of the Trial Court in A.S.No.51 of 2015 by dismissing the first appeal filed by the defendants in the suit.

4. Now in the Second Appeal stage, the parties to the dispute have resolved their dispute amongst themselves by entering into the aforesaid joint memorandum of compromise. The said joint memorandum of compromise has also been counter-signed by the respective counsels. The joint memorandum of compromise dated 19.06.2023 filed by the parties to the dispute is taken on record. The joint memorandum of compromise dated 19.06.2023 along with the resolution and the sketch annexed therewith shall form part of this judgment.



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5. In view of the joint memorandum of compromise, the judgments and decrees of the Courts below, which were the subject matter of challenge in this Second Appeal, are set aside and this Second Appeal is disposed of in terms of the joint memorandum of compromise. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

19.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Sub Court,
Tuticorin.
- 2.The Principal District Munsif Court,
Tuticorin.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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ABDUL QUDDHOSE, J.

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19.06.2023