



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

Thursday, the Twenty Third day of February Two Thousand
and Twenty Three

PRESENT

The Hon`ble Mrs.Justice N.MALA

AS (MD) No.159 of 2020

WEB COPY

M.N.Subramanian

Appellant/1st defendant

vs.

1.M.N.Eswaran

2.M.N.Ganesh Babu

3.P.J.Pandiarajan

4.N.Marivel

5.T.G.Mahalakshmi

6.V.R.Jayamani

7.K.G.Vasanthi

8.M.N.Sumathi

... Respondents 1 & 2 / Plaintiffs

... Respondents 3 to 8

PRAYER:- This Appeal Suit filed under Section 96 and Order 43 Rule 1 of CPC against the Judgment and Decree made in O.S.No.24 of 2018, dated 09.01.2020 on the file of the I Additional District Judge, Madurai.

DECREE:- This Appeal Suit coming on this day for hearing in the presence of Mr.M.S.Suresh Kumar, Advocate for the Appellant and Mr.Y.Jacob, Advocate for the Respondents and upon perusing the Grounds of Appeal, the Judgment and Decree of the Trial Court, the material papers and the records in the appeal and the parties herein having entered into a Joint Compromise on 21.02.2023 between themselves and through their respective Counsels and having filed the Memo Of compromise, dated 23.02.2023 duly signed by the parties as well as by their Advocates, this Court while recording the said joint memo of compromise and disposing the Appeal, doth order and decree as follows:-

(1) that, the plaint schedule property at Door No.71-B/50, Khanpalayam 2nd Street, Munichalai Post, Madurai - 9 be and hereby allotted as under to the appellant herein/1st defendant and respondents 1 and 2 herein/Plaintiffs, as agreed by them as per the agreement dated 26.01.2001 and the position shall also be retained in future;

a) the ground floor of the plaint schedule property to the appellant herein /1st defendant;

b) the first floor of the plaint schedule property to the 1st respondent herein /1st plaintiff;



c) the second floor of the plaint schedule property of the respondent herein/ 2nd Plaintiff; and their possession in the respective floors be and is hereby recorded.

WEB COPY

(2) that, the handing over of the key for entrance of the common passage and steps to the 1st and 2nd floor by the appellant herein /1st Defendant be and is hereby recorded and that the undivided share in the land shall be common to the appellant / 1st Defendant and the 1st & 2nd Respondents / Plaintiffs 1 & 2;

(3) that, the property tax in the name of mother of the respondents 1 and 2 / Plaintiffs and the appellant / 1st Defendant viz., Dhanalakshmi Ammal shall be divided equally and paid to the Corporation by the /respondents 1 and 2 herein/Plaintiffs and the appellant herein/ 1st Defendant and that the copy of tax shall be given by appellant herein/1st Defendant to the respondents 1 and 2 herein/Plaintiffs;

(4) that the current consumption for each portion shall be paid separately by the respondents 1 and 2 herein/Plaintiffs 1 and 2 and the appellant herein/1st Defendant.

(5) that non existence of separate meter for consumption of current charges for the common electric pump, motor pumping, the water to the common water tank and the attachment of electric connection to the EB Meter of the second floor be and are hereby recorded.

(6) that a sub meter shall be provided for the motor and that the consumption charges shall be divided equally by the respondents 1 and 2/Plaintiffs and appellant herein/1st Defendant.

(7) that the handing over of the EB card of the 1st floor and the 2nd floor to respondents 1 and 2/Plaintiffs by the appellant herein/1st Defendant be and hereby recorded;

(8) The Respondents 1 and 2 herein/Plaintiffs shall not claim any amount towards damages from the appellant herein /1st Defendant as per the Decree in O.S.No.24 of 2018 dated 09.01.2020 on the file of the I Additional District Judge, Madurai and that the appellant herein/ 1st Defendant shall also not claim any amount from the respondents 1 & 2 / Plaintiffs in future;

(9) that, the water charges shall be divided equally by respondents 1 and 2 herein/Plaintiffs 1 and 2 and appellant herein/1st Defendant to the water Board and all common utilities shall be enjoyed commonly and expenses shall be divided equally by the respondents 1 and 2 /Plaintiffs and the appellant herein/1st



(10) that the sisters of the respondents 1 and 2 herein/ Plaintiffs 1 and 2 and the Appellant/ 1st Defendant shall have no objection for this compromise entered between the brothers;

(11) that the absconding of the 8th respondent (M.N.Sumathi)/7th Defendant and her non- traceability from the year 2011 pendency of FIR in Crime No.1100/2011 dated 13.07.2011 and as such non obtaining of her signature as per law be and are hereby recorded;

(12) that the E.P.Nos.169 & 170 of 2022 filed by the respondents 1 and 2 /Plaintiffs 1 and 2 against appellant /1st Defendant shall be withdrawn without any conditions by the respondents 1 and 2 Plaintiffs and

(9) That, there be no costs in this Appeal Suit.

Sd/-

Assistant Registrar(AS)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

ENCL: COPY OF SCHEDULE OF PROPERTY

To

The I Additional District Judge, Madurai.

Copy to:

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED : 23/02/2023

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DECREE

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AS(MD) . No.159 of 2020

Nature of Decree:-

Disposing the Appeal Suit preferred against the judgment and decree of the I Additional District Judge, Madurai, dated 09.01.2020 made in Original Suit No.24 of 2018 etc., as stated within.

MK/11.07.2023 3P 4C