



S.A.(MD)No.342, 441 & 443 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.06.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)Nos.342, 441 & 443 of 2020

and

C.M.P.(MD)Nos.4029, 4030, 5167, 5169, 5175 of 2020

S.A.(MD)No.342 of 2020:

Vasuki Ammal

... Appellant

/Vs./

1.Kali Muthammal

2.Shalini

3.Kalpana Devi

Respondents 1 to 3 are represented

through their power agent,

Alagarsamy.

4.Aridoss Kennady

Represented through his Power of Attorney Agent,

Sakunthala

Mehavarnam (died)



S.A.(MD)No.342, 441 & 443 of 2020

Balakrishnan (Died)

5.Archunammal

Velayee (died)

6.Panchavarnam

7.Rakku

8.Ilangovan

9.Kanagavalli

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree passed in A.S.No.12/2014 and Cross Appeal dated 28.01.2020 on the file of the Additional District Court (Additional Fast Track), Paramakudi, modifying the judgment and decree passed in O.S.No.27/2008 dated 29.07.2013 on the file of the Sub Court, Paramakudi.

For Appellant : Mr.V.S.Kishok Kumar

For Respondents : Mr.S.Kumar (R2 & R3)

Mr.H.Arumugam (R4)

Mr.S.Packiya Muthu (R5)

Mr.K.Muthu Rakkan (R6 to R9)

R1-Died



S.A.(MD)No.342, 441 & 443 of 2020

S.A.(MD)No.441 of 2020:

Aridoss Kennady

... Appellant

/Vs./

Mehavarnam (died)

Balakrishnan (Died)

1.Archunammal

2.Kali Muthammal

Velayee (died)

3.Panchavarnam

4.Rakku

5.Shalini

6.Kalpana Devi

Respondents 2, 5 & 6 are represented
through their power agent,
Alagarsamy.

7.Ilangovan

8.Kanagavalli

9.Vasuki Ammal

...Respondents



S.A.(MD)No.342, 441 & 443 of 2020

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree passed in A.S.No.12/2014 and Cross Appeal dated 28.01.2020 on the file of the Additional District Court (Fast Track), Paramakudi, modifying the judgment and decree passed in O.S.No.27/2008 dated 29.07.2013 on the file of the Sub Court, Paramakudi.

For Appellant : Mr.H.Arumugam

For Respondents : Mr.S.Packiya Muthu (R1)
Mr.S.Kumar (R5 & R6)
Mr.K.Muthu Rakkan (R3, R4, R7 & R8)
Mr.V.S.Kishok Kumar (R9)
R2-Died

S.A.(MD)No.443 of 2020:

Aridoss Kennady

... Appellant

/Vs./

1.Kali Muthammal
2.Shalini
3.Kalpana Devi



S.A.(MD)No.342, 441 & 443 of 2020

WEB COPY

Respondents 1 to 3 are represented
through their power agent,
Alagarsamy.

Mehavarnam (died)

Balakrishnan (died)

4.Aruchunammal

Velayee (died)

5.Panchavarnam

6.Rakku

7.Ilangovan

8.Kanagavalli

9.Vasuki Ammal

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree passed in the Cross Appeal in A.S.No.12/2014 and dated 28.01.2020 on the file of the Additional District Court (Additional Fast Track), Paramakudi, insofar as granting the relief of partition over Item Nos.2,3,5 and 7 in “A Schedule of properties in favour of the defendants 5 to 7 by modifying the judgment and decree passed in O.S.No.27/2008 dated 29.07.2013 on the file of the Sub Court, Paramakudi.

For Appellant : Mr.H.Arumugam



S.A.(MD)No.342, 441 & 443 of 2020

For Respondents : Mr.S.Packiya Muthu (R4)
Mr.S.Kumar (R2 & R3)
Mr.K.Muthu Rakkan (R5 to R8)
Mr.V.S.Kishok Kumar (R9)
R1-Died

COMMON JUDGMENT

Two joint compromise memos dated 12.06.2023 have been filed by the learned counsel appearing for the parties today. As seen from the said memos, one of the respondents, namely, Kali Muthammal, died on 07.07.2021 leaving behind her two daughters namely, Shalini and Kalpana Devi as her only legal heirs and they are already brought on record as the respondents in this appeal as the legal heirs of the deceased respondent, namely, Kali Muthammal.

2. All the parties to these second appeals have signed the said joint memorandums of compromise, which have also been countersigned by the respective counsels. The respective parties are personally present before this Court and they have also been identified.



S.A.(MD)No.342, 441 & 443 of 2020

WEB COPY

3. In view of the joint compromise entered into between the parties, the judgments and decrees of the Courts below are hereby set aside. All the second appeals are disposed of in terms of the joint memorandums of compromise. The joint memorandums of compromise dated 12.06.2023 shall form part of this judgment. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.06.2023

Index : Yes / No
NCC : Yes / No
Sm

TO:

- 1.The Additional District Court (Additional Fast Track), Paramakudi.
- 2.The Sub Court, Paramakudi.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.(MD)No.342, 441 & 443 of 2020

ABDUL QUDDHOSE, J.

sm

Common Judgment made in
S.A.(MD)No.342, 441 & 443 of 2020

Dated:
19.06.2023