



S.A.(MD).No.599 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 07.09.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

S.A.(MD)No.599 of 2020

Ganesan

... Appellant/Appellant/Plaintiff

-VS-

1. Ranjangam
2. Balasundaram
3. Kalimuthu

... Respondents/Respondents/  
Defendants

(3<sup>rd</sup> Respondent exonerated as per order  
dated 07.09.2017)

**PRAYER:** Second Appeal is filed under Section 100 of C.P.C, against the decree and judgment dated 17.10.2019 made in A.S.No.5 of 2018 on the file of the learned Principal District Judge, Pudukkottai, confirming the decree and judgment dated 03.01.2018 made in O.S.No.66 of 2010 on the file of the learned Subordinate Judge, Pudukkottai.

For Appellant : Mr.M.Rajaraman

For Respondents : Mr.D.Rameshkumar – for R1



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## **JUDGMENT**

The present Second Appeal has been filed by the appellant under Section 100 of C.P.C, against the decree and judgment dated 17.10.2019 made in A.S.No.5 of 2018 on the file of the learned Principal District Judge, Pudukkottai, confirming the decree and judgment dated 03.01.2018 made in O.S.No.66 of 2010 on the file of the learned Subordinate Judge, Pudukkottai

2. The appellant is the plaintiff, and the respondents are the defendants before the Court below.

3. The learned counsel appearing for the first respondent has filed a Memo stating that the second respondent died on 10.02.2023 and that he has no legal heirs and he was unmarried and the parents of the second respondent were also predeceased. The Memo is taken on record.

4. The third respondent has already been exonerated before the first appellate Court vide order dated 07.09.2017. Therefore the contesting parties to the Second Appeal is the appellant and the first respondent herein.



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5. The learned counsel on either side submitted that the appellant and the first respondent settled the matter out of the Court and also entered into a Joint Memo of Compromise on 17.08.2023. The same is filed before this Court. Both the appellant and the first respondent and also by their respective counsel signed the Compromise Memo. The appellant and the first respondent are also present in person before this Court, and they have been identified by the respective learned counsels. This Court also enquired both the parties about the compromise, and they admitted the compromise. This Court is satisfied that both the parties have come to an amicable settlement between themselves.

6. For ready reference, the terms of compromise is extracted as follows:

*1. The appellant as well as the first respondent have entitled for the equal common title and interest over the suit property.*

*2. The appellant as well as the first respondent have equally entitled to the suit properties and both are joint owners of the same.*

*3. The above terms of settlement arrived*



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*between the appellant as well as the contesting 1<sup>st</sup> respondent may be recorded and prayed for passing a compromise judgment and decree in the above Second Appeal.*

7. Based upon the above compromise Memo, both side counsels prayed to pass decree. This Court is passing order in this Second Appeal in terms of the above said Compromise Memo dated 17.08.2023. The joint Compromise Memo dated 17.08.2023 shall form part of this order.

8. In the result, this Second Appeal is **disposed of** as indicated above.  
There shall be no order as to costs.

**07.09.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Principal District Court,  
Pudukkottai.

2. The Subordinate Court,  
Pudukkottai.



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**C.KUMARAPPAN,J.**

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