



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Twelfth day of April Two Thousand and Twenty Three  
PRESENT

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The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) . Nos.7628 & 7629 of 2021  
in  
SA(MD)Nos 222 & 223 of 2014

A. Abdul Rahuman ... Petitioner/Respondent in SA's  
in CMP's

Vs

N.S.Hameed Noohu ... Respondent/ Appellant in SA's  
in CMP's

**Prayer in CMP(MD) . Nos.7628/2021**

To pass an order setting aside the exparte judgement and decree dated 25/02/2020 and rehearing the second appeal in S.A. (MD) No. 222 of 2014 and thus render justice.

**Prayer in CMP(MD) . Nos.7629/2021**

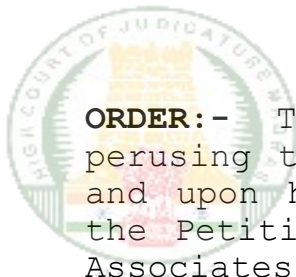
To pass an order setting aside the exparte judgement and decree dated 25/02/2020 and rehearing the second appeal in S.A. (MD) No. 223 of 2014 and thus render justice.

**Prayer in SA(MD)222/2014**

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree made in A.S. No.19 of 2008 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 04.02.2009, confirming the Judgment and Decree of the Subordinate Judge, Ramanathapuram in O.S.No. 52 of 2004 dated 29.01.2008.

**Prayer in SA(MD)223/2014**

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree made in A.S. No.20 of 2008 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 04.02.2009, confirming the Judgment and Decree of the Subordinate Judge, Ramanathapuram in O.S.No.68 of 2004 dated 29.01.2008.



**ORDER:-** These Petitions coming on for orders on this day on perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.T.R.Jeyapalam, Advocate for the Petitioner and of Mr.Ajmalkhan (senior counsel) for M/S.Ajamal Associates for the Respondent this Court made the following order:

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These petitions have been filed to set aside the ex-parte judgment and decree dated 25.02.2020 and rehear the Second Appeals in S.A.(MD).Nos.222 and 223 of 2014.

2. Today, both the petitioner/respondent as well as the respondent/appellant are present before this Court and they also affirmed before this Court that they will abide by the compromise entered between them.

3. In such a view of the matter, these petitions are disposed of in terms of the compromise entered between the parties. The original decree of this Court granting a sum of Rs.12,00,000/- to the respondent in the appeal is enhanced to Rs.25,00,000/-. A sum of Rs.12,00,000/- has already been deposited by the appellant in the appeal and the remaining amount of Rs.13,00,000/- has to be paid by the appellant on the date of vacating and handing over the vacant possession of the suit property. It is also agreed by the parties that within a period of five months from today, the respondent in the appeal shall vacate and hand over the vacant possession of the suit property. Accordingly, the decree already passed by this Court in the Second Appeals in S.A.(MD).Nos.222 and 223 of 2014, dated 25.02.2020 is confirmed and modified to the extent only in respect of the compensation and also the time limit for eviction.

4. The compromise memo dated 10.04.2023, signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (AS)

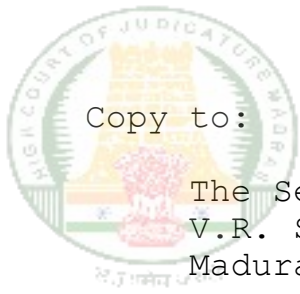
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/06/2023

Sub Assistant Registrar(CS)

To

- 1) The Principal District and Sessions Judge,  
Ramanathapuram
- 2) The Subordinate Judge,  
Ramanathapuram



Copy to:

The Section Officer,  
V.R. Section,  
Madurai Bench of Madras High Court, Madurai - 2 Copies

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+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21416 & 21417 /2023)  
+ 1 cc to Mr.T.R.Jeyapalam Advocate (SR-21086/2023, dt.13.04.2023)

ORDER DATED : 12/04/2023

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ORDER

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CMP(MD) . No.7628 & 7629 of 2021  
in  
SA (MD) No.222 & 223/2014

SI/(15.06.2023) 3P/ 7C