



*A.S.(MD)No.14 of 2014 and
Cross Objection (MD)No.16 of 2014*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**A.S.(MD)No.14 of 2014 and M.P(MD)No.1 of 2014
and
Cross Objection (MD)No.16 of 2014**

A.S(MD)No.14 of 2014:

- | | |
|----------------------|--|
| 1.Akbar Ali (died) | .. Appellant/2 nd Defendant |
| 2.Mumthaj Begam | |
| 3.Mohamed Farook Ali | |
| 4.Aabida | |
| 5.Mohamed Sheik Ali | |
| 6.Shajitha | .. Appellants 2 to 6 |

[Appellants 2 to 6 are brought on
record as LR's of the deceased first
appellant vide order dated
22.09.2022]

Vs.

- | |
|---------------|
| 1.Mohamed Ali |
| 2.Asaraf Ali |



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3.Salma Barees

4.Sumaiya Begam

.. Respondents 1 to 4 / Plaintiffs

5.Nabisha Beevi

..5th Respondent/1st Defendant

PRAYER: Appeal Suit filed under Section 96 of the Civil Procedure Code,
against the judgment and decree dated 18.12.2012 made in O.S.No.70 of
2009 on the file of the Additional District and Sessions Court, Dindigul.

For Appellants : Mr.M.Mohamed Ibram Saibu

For Respondent Nos.1 to 4 : Mr.H.Lakshmi Shankar

Respondent No.5 : Died

Cross Objection (MD)No.16 of 2014:

1.Mohamed Ali

2.Asaraf Ali

3.Salma Barees

4.Sumaiya Begam

.. Cross Objectors/
Respondents 1 to 4 / Plaintiffs

Vs.

1.Akbar Ali (died)

.. 1st Respondent/ Appellant/
2nd Defendant



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2.Nabisha Beevi

.. 2nd Respondent/
5th Respondent / 1st Defendant

3. Mumthaj Begam

4. Mohamed Farook Ali

5. Aabida

6. Mohamed Sheik Ali

7. Shajitha

.. Respondents 3 to 7

[Respondents 3 to 7 are brought on
record as LRs of the deceased
respondent vide order dated
22.09.2022]

PRAYER: Cross Objection filed under Order 41 Rule 22 of the Civil
Procedure Code, against the judgment and decree, dated 18.12.2012 made
in O.S.No.70 of 2009, on the file of the Additional District and Sessions
Court, Dindigul insofar as the 9th schedule property is concerned.

For Cross Objectors : Mr.H.Lakshmi Shankar

For Respondent No.2 : Died

For Respondent Nos.3 to 7 : Mr.M.Mohamed Ibram Saibu



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COMMON JUDGMENT

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

The Appeal Suit along with the Cross Objection arising out of the judgment and decree passed in O.S.No.70 of 2009 on the file of the Additional District and Sessions Court, Dindigul. The suit for partition was partly allowed by the Court below vide judgment dated 18.12.2012. This appeal suit filed by the second defendant for portion of prayer allowed. Cross objection filed by the plaintiffs as against disallowed portion. Pending appeal, Akbar Ali, the appellant/second defendant died and his legal heirs were brought on record.

2. Today it is represented that the parties have settled their dispute amicably and a joint compromise memo filed to that effect. It is brought to the notice of this Court that the first defendant, Nabisha Beevi, who is the fifth respondent in the appeal suit died on 22.12.2015. Her legal heirs are in fact the plaintiffs in the suit. They are already on record. Hence a memo



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dated 29.02.2016 has been filed to the effect that the respondents 1 to 4 in the Appeal Suit to be recorded as the legal heirs of the deceased fifth respondent Nabisha Beevi.

3. All the parties, viz. Mumthaj Begam, Mohamed Farook Ali, Aabida, Mohamed Sheik Ali, Shajitha Begum, Mohamed Ali, Asaraf Ali, Salma Barees and Sumaiya Begam, are present before this Court. They submit to this Court that they have amicably settled the dispute as per the terms of the joint compromise memo which they have signed and presented before this Court and they pray for a decree.

4. Ensuring that their consent is voluntary, this Court accepts the joint compromise memo filed on behalf of the appellants and the respondents signed on 16.02.2023 in the presence of their respective counsels. Parties, besides the joint compromise memo, have also entered into a partition deed which indicates the properties allotted to respective parties.



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5. In the result, the Appeal Suit and the Cross Objection are disposed of in terms of the compromise memo. No costs. The terms of the joint compromise memo and the partition deed shall form part and parcel of the decree. Consequently, connected miscellaneous petition is closed. The parties are directed to pay the stamp duty and Court fees, if any, before drafting the decree.

**[G.J.,J.] & [K.K.R.K.,J.]
16.02.2023**

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

PJL

To
The Additional District and Sessions Court,
Dindigul.



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**DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.**

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