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S.A.(MD).No.247 of 2018

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2023**

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.247 of 2018
and
C.M.P.(MD)No.6723 of 2018

P.Veeralakshmi

... Appellant

/Vs./

1.K.Vasagar

M.Ayyadurai (Died)

2.Angammal

3.Senthil @ Senthil Kumar

4.Mayee @ Mayakrishnan

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree dated 04.04.2018 made in A.S.No.13/2015 on the file of the Subordinate Judge, Periyakulam confirming the judgment and decree dated 25.09.2015 made in O.S.No. 63/2011 on the file of District Munsif, Periyakulam.



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For Appellant : Mr.R.Suriya Narayanan

For Respondents : Mr.M.Saravanan

JUDGMENT

The suit is filed for declaration and permanent injunction to declare the petition mentioned property belonged to the plaintiff and grant injunction against the defendants not to interfere with the peaceful possession. The said suit was dismissed, against which the plaintiff preferred an appeal and the appeal was also dismissed. Aggrieved over the same, the present Second Appeal is filed.

2. A joint compromise memo dated 04.09.2023 had been filed by the learned counsels appearing for the parties today. All the parties to the second appeal have signed the said joint memo 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. The same is extracted as such:



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH**

S.A.(MD)No. 247 of 2018

P.Veeralakshmi,
W/o. Paramasamy,
Middle Street,
Vadapudupatti,
Theni Taluk, Theni District.

... Appellant

-Vs-

1. K.Vasagar,
S/o. Kamatchi Goundar,
Goundar South Street,
Annanji Post, Theni District.

M.Ayyadurai (Died)

2. Angammai,
W/o. Late. M.Ayyadurai,
Ammapatti Road,
Vadapudupatti,
Lakshminipuram Post,
Periyakulam.

3. Senthil @ Senthil Kumar,
S/o. Ayyadurai,
East Street, Annanji Post,
Vadapudupatti, Theni District.

4. Mayee @ Mayakrishnan
S/o. Ayyadurai
East Street, Annanji Post,
Vadapudupatti, Theni District.

... Respondents

JOINT COMPROMISE MEMO

1. The appellant herein filed O.S.No.63 of 2011 on the file District Munsif's Court, Periyakulam for declaration and permanent injunction restraining the 1st respondent and M.Ayyadurai from interfering with her possession and enjoyment of the suit property

P. Veeralakshmi
Appellant

J. C. Vasagar
Respondents



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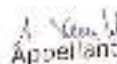
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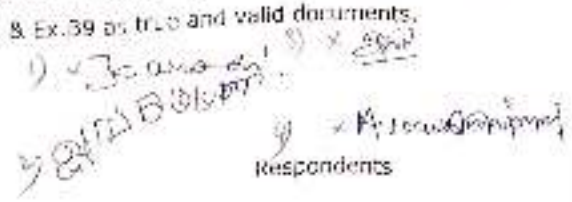
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bearing S.No.1372/2 measuring 89 cents out of 1 acre 78 cents in Vadaveeranaickanpatti Village. In her plaint, the appellant had contended that under Ex.A3 - Settlement Deed, dated 07.09.1998, her father Alagarsamy Chettiar settled the suit property in her favour and as the 1st respondent and M.Ayyadurai tried to disturb her possession, she filed the suit.

2. The 1st respondent and M.Ayyadurai filed their Written Statement contending that by Ex.A3 - Settlement Deed, appellant's father Alagarsamy Chettiar settled only 82 cents in her favour and even prior to the above settlement deed, Alagarsamy Chettiar had sold 5 cents in favour of the 1st respondent vide Ex.B1 - Sale Deed and 2 cents in favour of Ayyadurai vide Ex.B5 - Sale Deed. The 1st respondent and M.Ayyadurai claimed right over the 7 cents out of 89 cents in the suit property. Accepting the title of the 1st respondent and M.Ayyadurai in respect of 7 cents, the trial Court has granted decree to the appellant only in respect of 82 cents. Challenging the decree, the appellant herein filed A.S.No.13 of 2015 on the file of Sub Court, Periyakulam. During the pendency of the first appeal, M.Ayyadurai died and his legal heirs namely the respondents 2 to 6 were brought on record. The Lower Appellate Court has confirmed the decree passed by the trial Court. Challenging the same, the appellant has filed the above Second Appeal. As the litigation is pending for the past 12 years, close relatives and well-wishers of the family have advised the parties to settle the matter. Now the parties have decided to amicably settle the matter on the following terms:

a) The appellant/plaintiff admits the sale deeds executed by her father Alagarsamy Chettiar in favour of the 1st respondent and M.Ayyadurai vide Ex.B1 & Ex.B5 as true and valid documents.


Appellant


Respondents



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b) The appellant admits the title of the respondents in respect of 7 cents of land out of 89 cents of suit property bearing S.No.1372/2 of Vadaveeranayakkanpatti, Theni Taluk and District.

c) The appellant accepts the judgment and decree passed by the trial Court in O.S.No.63 of 2011 as confirmed by the Lower Appellate Court in A.S.No.13 of 2015 on the file of Sub Court, Periyakulam and prays this Hon'ble Court to dismiss the appeal by recording the above compromise.

d) The respondents 1 to 4 is hereby agreed to sell their 7 cents of land out of 89 cents of suit property in favour of the appellant herein by receiving Rs.3 Lakhs per cent.

Dated at Madurai on this the 4th day of September-2023

1) *[Signature]*

2) *[Signature]*

3) *[Signature]*

4) *[Signature]*
Respondents

[Signature]
Appellant

[Signature]
Counsel for Appellant

[Signature]
Counsel for Respondents



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3. Hence, the second appeal is disposed of in terms of the joint memo of compromise. The suit shall be decreed as per the Joint Compromise memo. The joint memorandum of compromise dated 04.09.2023 shall form part of this judgment. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.10.2023

Index : Yes / No
NCC : Yes / No
Nsr

TO:

- 1.The Subordinate Judge, Periyakulam
- 2.The District Munsif, Periyakulam.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Nsr

Judgment made in
S.A.(MD)No.247 of 2018

Dated:
04.10.2023