



S.A.No.470 of 2004

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.470 of 2004

and

C.M.P.No.3770 of 2004

1.Vellaiyan Moopan
2.Pattan
3.Subramanian
4.Minor Gopal

... Appellants

Vs.

1.Paramasivan Moopan
2.Shanmugavelu (Died)
3.Mariappan
4.Isakkiammal
5.Mariammal
6.Balasubramanian

Respondents 4 to 6 brought on record
as the LR's of the deceased second respondent
vide Court order dated 02.01.2017 made in
M.P.(MD).Nos.2 to 4 of 2006 in S.A.No.470 of 2004.

... Respondents

PRAYER: The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 30.10.2002 passed in A.S.No.13 of 1999 on the file of Additional Sub Court, Tenkasi confirming the judgment and the decree dated 21.07.1998 passed in O.S.No.460 of 1986 before the District Munsif Court, Tenkasi.



S.A.No.470 of 2004

WEB COPY

For Appellants : Mr.M.Saravanan
For R1 : Mr.K.Sathiya Singh
for Mr.K.Chinnakaruppan
For R6 : Mr.R.Krishnamoorthy
For R3 to R5 : No appearance

J U D G M E N T

This appeal has been filed against the judgment and decree passed by the Additional Sub Court, Tenkasi in A.S.No.13 of 1999, dated 30.10.2002, confirming the judgment and decree passed by the District Munsif Court, Tenkasi in O.S.No.460 of 1986, dated 21.07.1998.

2. When the matter is taken up for hearing today, the learned counsel appearing for both the parties submitted that pending the second appeal, the first appellant has sold the property to the second respondent and the second respondent passed away and his legal representatives have been impleaded as respondents 4 to 6. They further submitted that to protect the interest of the second respondent alone, this appeal came to be filed and now the appellants



S.A.No.470 of 2004

WEB COPY

entered into a compromise with the contesting first respondent and the legal representatives of the deceased second respondent. By virtue of the compromise, the contesting first respondent has received a sum of Rs.5,00,000/- from the fourth respondent and relinquished his right in the subject matter of the property. Therefore, now the respondents 4 to 6 can enjoy the property jointly. To that effect, a joint compromise memo, dated 17.08.2023, has been filed by the parties and the respondents 1 and 6 alone present before this Court and the respective counsel also signed.

3. Since the first appellant has transferred the property in favour of the second respondent pending the second appeal, they are not having any interest in the subject matter of the property and only to protect the interest of the second respondent, the second appeal came to be filed. Now the second respondent passed away and the dispute is between the first appellant and the first respondent. In order to resolve the dispute, the first respondent has received a sum of Rs.5,00,000/- from the fourth respondent, who is one of the legal representatives of the second respondent and he has paid said amount on his behalf as well as on behalf of the respondents 5 and 6 as well. The third



S.A.No.470 of 2004

WEB COPY

respondent is also one of the legal representatives of the first appellant and he has also transferred the property in favour of the second respondent. The said statement is recorded and this Second Appeal stands disposed of. The joint compromise memo, dated 17.08.2023, filed by the parties shall form part of this judgment. No costs. Consequently, the connected Miscellaneous Petition is closed.

17.08.2023

akv

To

- 1.The Additional Sub Court,
Tenkasi.
- 2.The District Munsif Court,
Tenkasi.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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S.A.No.470 of 2004

KRISHNAN RAMASAMY,J.

akv

S.A.No.470 of 2004

17.08.2023