



S.A.No.411 of 2004

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

S.A.No.411 of 2004

Maruthavanan

... Plaintiff/Respondent/Appellant

-Vs-

1.Mahalingam(Died)

2.Rajendran

... Defendants/ Appellants/

Respondents

*(2nd respondent who is already on record
as LR of the deceased R1, dated
21.07.2023)*

3.Anji @ M.Anjammal

4.M.Govindarajan(died)

5.Devaki @ Kundukani(Died)

6.C.Amsam @ Chinnakundukani

7.S.Jayaraman

*(R3 to R7 are brought on record as LR of the
deceased 1st respondent vide Court order
dated 21.07.2023)*



S.A.No.411 of 2004

8.G.Dhanam
9.G.Shankar
10.G.Saritha

*(R8 to R10 are brought on record as LRs
of the deceased 4th respondent vide Court
order dated 21.07.2023)*

11.Saminathan
12.K.Ramesh

*(R11 and R12 are brought on record as LRs
of the deceased 5th respondent vide Court
order dated 21.07.2023)*

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the decree and judgment, dated 20.06.2003 made in A.S.No.22 of 2003 on the file of the I Additional Subordinate Court, Kumbakonam, reversing the decree and judgment, dated 29.10.2001 in O.S.No.88 of 2000 on the file of the District Munsif Court, Valangaiman sitting at Kumbakonam.

For Appellant : Mr.P.Thiagarajan

For R2 : Mr.S.Gomathi Shankar

For R1, R4&R5 : Died

For R3,R6toR12 : No appearance



WEB COPY



S.A.No.411 of 2004

JUDGMENT

Heard Mr.P.Thiagarajan, learned counsel appearing for the appellant and Mr.S.Gomathi Shankar, learned counsel appearing for the second respondent.

2.By order, dated 19.10.2023, this Court referred the matter before the Mediation and Conciliation Centre attached to this Bench to arrive at an amicable settlement. It appears that before the Mediation Centre, the dispute has been settled between the parties and the terms of which is reduced into writing and the parties have also signed the same. Clause 6 of the terms of settlement is as follows:

“6.The following settlement has been arrived between the parties hereto:

(a)On the very first hearing before the Mediation itself both the parties had a polite and cordial talk. They agreed to measure the plaint mentioned property with the help of a Civil Engineer.



S.A.No.411 of 2004

WEB COPY

(b)On the second hearing a settlement was arrived between the parties to forego 8 ft 3 inches (till the end of the slanting wall of the appellant's house) on the eastern side and 109 ft on southern side, ie., 71.4 ft is agreed more than the available length of 38.6 ft. Hence, the agreed measurement to be given to the 2nd respondent is 25 x 109 ft.

(c)Further the appellant and the 2nd respondent Rajendran has agreed to mutate the revenue records as per the measurements agreed before the mediation.

(d)Further the appellant Maruthavanan has to construct the boundary walls on the eastern and southern side at his own cost.

(e)The other respondents from 3 to 12 are the legal heirs of the deceased 1st respondent Mahalingam. As the plaint schedule property is allotted to 2nd respondent Rajendran as per their family arrangement, the respondents 3 to 12 have not turned up and also not necessary party for this compromise.

(f)As per the above undertakings the dispute in this second appeal is settled.”



S.A.No.411 of 2004

WEB COPY

3. Based on the settlement arrived between the parties before the Mediation and Conciliation Centre attached to this Bench, this Second Appeal stands disposed of. No costs. The settlement agreement entered before the Mediation Centre shall form part of the decree. No costs.

22.11.2023

NCC:Yes/No

Index:Yes/No

Internet::Yes/No

To

1. The I Additional Subordinate Court,
Kumbakonam.

2. The District Munsif Court,
Valangaiman,
at Kumbakonam.

3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.No.411 of 2004

R. KALAIMATHI,J.

Ns

S.A.No.411 of 2004

22.11.2023