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S.A.No.761 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE Mr. JUSTICE G.ARUL MURUGAN

S.A.No.761 of 2006
and
Cros.Obj.No.70 of 2017
& M.P.No.1 of 2013

1.Raju @ T.A.M.Rangaraju (died)

2.Padmini

3.Ramesh

4.Shankar

... Appellants

(Appellants 2 to 4 brought on record as legal heirs of the deceased sole appellant vide order dated 27.02.2013 in M.P.No.1 of 2008)

vs.

1.Geetha (died)

2.J.Kirubakaran

3.J.Keerthana

... Respondents

(Respondents 2 and 3 brought on record as legal heirs of the deceased sole respondent vide order dated 12.08.2021 in C.M.P.Nos.27098, 27100 & 27103 of 2019)

Prayer:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 27.10.2005 in A.S.No.34 of 2004 passed by the learned Sub Judge, Sankari, partly modifying the



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judgment and decree dated 10.11.2004 in O.S.No.132 of 2004 passed by the learned District Munsif Judge, Sankari.

For appellants 2 to 4 : Mr.N.Manokaran

For respondents 2 & 3 : Mr.T.R.Rajaraman
Mrs.D.Chitra Maragatham

J U D G M E N T

The suit in O.S.No.132 of 2004 on the file of the District Munsif Court, Sankari, filed for partition and separate possession. The Trial Court by judgment and decree dated 10.11.2004, decreed the suit. Against which, the defendant/first appellant filed an appeal in A.S.No.34 of 2004 on the file of the Sub Court, Sankari and the same was partly allowed by the judgment and decree dated 27.10.2005.

2. Aggrieved by the same, the defendant/first appellant has filed the above Second Appeal. Pending this Second Appeal, the sole appellant died and his legal heirs are brought on record as appellants 2 to 4. The sole respondent in the Second Appeal also died and the legal heirs are



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brought on record as the respondents 2 and 3. The plaintiff has also filed Cros. Obj. No.70 of 2017.

3. The learned counsel on both sides submit that pending this Second Appeal, the matter has been compromised and mutually settled among the parties. Pursuant to the compromise, they have entered into a joint memo of compromise dated 26.02.2024.

4. The joint memo of compromise dated 26.02.2024 signed by all the parties along with the counsel on either side is filed before this Court and the appellants 3 and 4 are present before this Court and due to old age, the 2nd appellant is not appeared before this Court. The 2nd respondent is also present before this Court.

5. As per the joint memo of compromise filed, it has been agreed that the items 2 and 3 of the suit properties have been allotted to the appellants 2 to 4 and the item 1 of the suit properties has been allotted in favour of the respondents 2 and 3. Both the parties do not have any objection for conferring the title to the respective parties.



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6. The parties also submitted before this Court to pass final decree in terms of the joint memo of compromise. In paragraph 3 of the joint memo of compromise, the parties have agreed for passing final decree.

7. It is also stated in paragraph 5 of the memo of compromise that the name of the 3rd respondent has been wrongly typed as “J.Keerthana” and the correct name is “J.Kiruthiga”. The same is also to be taken note of.

8. In view of the compromise entered into between the parties and the joint memo of compromise filed, S.A.No.761 of 2006 and Cros.Obj.No.70 of 2017 are disposed of, in terms of the joint memo of compromise dated 26.02.2024. The joint memo of compromise dated 26.02.2024 and the plan annexed with the memo shall form a part and parcel of the decree. Since the parties submitted for passing of final decree in terms of compromise, the final decree in terms of joint memo of compromise is passed. Consequently, connected miscellaneous petition is closed. No costs.



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9. As final decree is passed, the parties are directed to pay the respective Court fees in respect of their shares.

26.02.2024.

Note: Pursuant to the payment, Registry is directed to issue decree within a period of six weeks.

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
apd

To

1. The Sub Judge, Sankari.
2. The District Munsif Judge, Sankari.
3. The Section Officer, V.R.Section, High Court, Madras.



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