



WEB COPY

S.A.No.386 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

S.A.No.386 of 2004

1.Allimuthu [Died]
2.Sagunthala
3.Mohan
4.Poonkodi
5.Pushpa
6.Mahalakshmi
7.Lokeswari
8.Vijaya

...

Appellants

versus

1.Palanivel Gouner [Died]
2.Pavayee
3.Vijayakumar
4.Dhanalakshmi

...

Respondents

[A-1 Died, A-2 to A-8 are brought on record as legal representatives of the deceased A-1 and R-1 Died, R-2 to R-4 are brought on record as legal representatives of the deceased R-1 *vide* order dated 01.12.2023 made in C.M.P.Nos.27321,27324, 27325 of 2023 and C.M.P.Nos.753 & 754 of 2011 in S.A.No.386 of 2004]

Prayer: Second Appeal has been filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 28.08.2003 made in A.S.No.186 of 2002 on the file of the learned Additional District Sessions Judge [Fast Track Court], Kallakurichi, reversing the judgment and decree in



O.S.No.179 of 1997, dated 17.11.2000 on the file of the III Additional District Munsif Court, Kallakurichi.

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For Appellant Nos.2 to 8	:	M/s.Mahamandra Rajalakshmi R. for M/s.Sarvabhauman Associates
For Appellant No.1	:	Died
For Respondent Nos.2 to 4	:	Mr.K.A.Ramakrishnan
For Respondent No.1	:	Died

JUDGMENT

The unsuccessful plaintiff is the appellant. Pending appeal, the sole appellant died and the appellants 2 to 8 have been substituted as legal heirs of the deceased sole appellant. The sole respondent also died and the respondents 2 to 4 have been substituted as legal heirs of the deceased sole respondent.

2. Pending Second Appeal, on the submissions made by either side, by order dated 11.01.2024, this matter was referred to the Tamil Nadu Mediation and Conciliation Centre attached to this Court with a direction to the parties to appear before the Medication Centre on 07.02.2024.

3. Pursuant to the aforesaid order, the parties have appeared before the Mediation Centre and they have entered into a joint memo of compromise in the presence of the Mediator.



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4. The Mediation Report dated 21.03.2024 along with the joint memo of compromise dated 13.03.2024, have been forwarded to this Court.

5. A careful perusal of the Mediation Report and the joint memo of compromise would show that the respondents have paid a sum of Rs.30,00,000/- [Rupees Thirty Lakhs] to the appellants towards the subject matter of the property covered in a suit. The appellants have agreed that the Second Appeal to be dismissed by confirming the judgment and decree passed in A.S.No.186 of 2002 on the file of the Additional District Sessions Court [Fast Track Court], Kallakurichi.

6. The appellants 2 to 8 have appeared before the Mediation Centre and signed in the memo of compromise and the third respondent alone, who is the son, has appeared and signed in the joint memo of compromise.

7. The learned counsels appearing for the appellants 2 to 8 and the respondents 2 to 4 confirm the above position and submit that due to the old



age of the second respondent, she has not appeared. However, the amounts as stated in the memo of compromise, has been paid to appellants.

8. In view of the same, the Second Appeal stands *disposed of* in terms of the joint memo of compromise dated 13.03.2024. The joint memo of compromise shall form part and parcel of the decree. There shall be no order as to costs.

17.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
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- 1.The Additional District Sessions Judge
[Fast Track Court], Kallakurichi.
- 2.The III Additional District Munsif Court,
Kallakurichi.



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G.ARUL MURUGAN, J.

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