



S.A.No.919 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE Mr. JUSTICE **G.ARUL MURUGAN**

S.A.No.919 of 2012

1.Gopal
2.G.Anbalagan ... Appellants

-Vs-

1.Pooval
2.Babu
3.Perumayee ... Respondents

Prayer:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 28.09.2011 in A.S.No.72 of 2010 on the file of Subordinate Court, Kallakurichi, reversing the judgment and decree dated 27.08.2010 in O.S.No.673 of 2008 on the file of III Additional District Munsif Court, Kallakurichi.

For Appellants : Mr.T.Dhanasekaran
For R1 : Appeared in person
For R2 : Appeared in person
For R3 : No Appearance



S.A.No.919 of 2012

WEB COPY

J U D G M E N T

This Second Appeal has been filed against the judgment and decree dated 28.09.2011 in A.S.No.72 of 2010 on the file of Subordinate Court, Kallakurichi, reversing the judgment and decree dated 27.08.2010 in OS.No.673 of 2008 on the file of III Additional District Munsif Court, Kallakurichi.

2. The suit which was filed for partition and separate possession was dismissed by the Trial Court. An appeal filed in AS.No.72 of 2010 was allowed and a preliminary decree was passed granting 1/2 share in the suit property in favour of the plaintiff. Aggrieved by the judgment and decree of the Lower Appellate Court, the defendant is before this court on second appeal.

3. The learned counsel appearing on either side submits that during pendency of this Second Appeal, the parties have compromised the issue and pursuant to the compromise, they have entered into a memo of compromise dated 24.02.2024.



S.A.No.919 of 2012

WEB COPY

4. The parties have arrived at a compromise by dividing the suit properties into 'A' schedule and 'B' schedule properties as mentioned in the compromise memo. The appellants herein will be entitled to 'A' schedule property in the compromise memo, and the respondents herein will be entitled to 'B' schedule property in the compromise memo.

5. The appellants and the respondents have signed the compromise memo along with the counsel on record. The 2nd appellant, 1st and 2nd respondents are present before this Court and it is submitted that the first appellant and the third respondent due to old age, they are not able to be present before this Court.

6. In view of the settlement entered into between the parties, this Second Appeal is disposed of in terms of joint memo of compromise dated 24.02.2024, and the joint memo of compromise shall form part and parcel of the decree. No costs.

26.02.2024

Internet : Yes

Speaking order/Non-speaking order
drl



S.A.No.919 of 2012

WEB COPY

To

1. The Subordinate Judge, Kallakurichi,
2. The III Additional District Munsif Court, Kallakurichi.
3. The Section Officer, V.R. Section, High Court, Madras.



WEB COPY



S.A.No.919 of 2012

G.ARUL MURUGAN, J.

drl

S.A.No.919 of 2012

26.02.2024