



S.A.No.611 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 27.02.2024

Coram:

THE HONOURABLE Mr. JUSTICE P.B.BALAJI

S.A.No.611 of 2019

N.Palaniappan (Died).

(now Died, rep. by his legal heir, the 2nd appellant herein)

1. P.Sivapragasam (Died).
2. Chitra,
3. Swaminathan,
4. Agila,

... Plaintiffs/Respondents/Appellants

A1 died, A2 to A4 are brought on record as LR's of deceased A1 vide order of Court dated 20.03.2019 made in C.M.P.Nos.22642, 22644 & 22679 of 2022 in S.A.No.611 of 2019 [PBBJ]

/versus/

Rosali @ Lourdamary
Selvam Xavier

1. Selvam Dairiam,
2. Selvam Philomina,
3. Selvam Adicalamary,
4. Selvam Anandaraj,
5. Selvam Lawrance,
Amaladoss
6. Vimala
7. Selvam Theresa Judie,
8. Selvam Cyril Abraham,
9. G.Regina Mary,
10. Selvam Daniel,



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11. Selvam Alphart (**Minor**)

S/o.Late Selvam Gabriel,

Rep. by his mother cum guardian,

The 9th respondent herein.

... Defendants/Appellants/Respondents

* R11 is declared as Major and R10 is discharged from guardianship of R11 vide Court order dated 27.03.2024 as per the memo dated 27.03.2024 made in S.A.No.611 of 2019 (PBBJ).

Prayer : Second Appeal has been filed under Section 100 of C.P.C., pleaded to allow the above Second Appeal and set aside the judgment and decree dated 08.11.2018 passed in A.S.No.334 of 2006, on the file of II Additional District Judge, Puducherry, confirming the judgment and decree dated 28.01.1983 passed in O.S.No.328 of 1980 on the file of II Additional Sub Judge, Pondicherry.

For Appellants : Mr.M.Naraayanaswamy

For R1 to R4,
R6 to R8, R11 : Mr.R.Rajarajan

For R5 & R10 : Mr.T.S.Baskaran

For R9 & R11 : No appearance

J U D G M E N T

On 25.03.2024, the joint memo of compromise was filed and the parties are also present hence the matter was adjourned for the appearance of the 11th respondent who has been cited as a minor but has attained the age of majority.



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2. Today i.e., 27.03.2024, the 11th respondent/ Selvam Alphart is present in person and the Learned Counsel was also entered appearance on his behalf by filing Vakalat. The 11th respondent/Selvam Alphart has signed the joint memo of compromise which has already been signed on his behalf by his mother. For effective closure of the Second Appeal, recording the compromise.

3. The original joint memo of compromise memo is taken on file, recorded and shall form part of the decree. Accordingly, the Second Appeal is disposed of in terms of the joint memo of compromise. The Learned Counsel for the appellants requested that the original document Ex.A.1 which has been marked before the trial Court may be returned to the appellants. The records have not yet received by this Court and hence, the Trial Court/Appellate Court shall return the original document Ex.A.1 expeditiously, as and when by filing an appropriate application. The respondents shall have no objection for return of the said document Ex.A.1.

27.03.2024

Index :Yes/No.
Internet :Yes/No.
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P.B.BALAJI, J.

bsm

Copy To:-

1. The I Additional District Judge, Puducherry.
2. The II Additional Sub Judge, Pondicherry.

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27.03.2024