



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

S.A.No.689 of 2022
and CMP.Nos.12421 & 13657 of 2022

C. Ramesh

... Appellant

Vs.

1. Deivanai @ Banumathi
2. P. Ganesan
3. Chinnammal
4. C.S.Thangaraj
5. C.S.Manickasundaram
6. Kalaiselvi
7. G. Mary Joseph
8. P. Nallammal
9. T. Saraswathi

... Respondents

Second Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree passed by the 1st Additional Subordinate Court, Erode dated 07.09.2017 made in A.S.No.66 of 2015 confirming the judgment and decree of the Principal District Munsif Court, Erode dated 12.09.2015 made in O.S.No.813 of 2006.

For Appellant : Mr.N.Palanikumar

For Respondents : M/s.V.Srimathi for R1
Mr.N.Manoharan for R7
R2 to R6 & R8 and R9 No appearance



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JUDGMENT

This Second Appeal is filed against the judgment and decree passed by the 1st Additional Subordinate Court, Erode dated 07.09.2017 made in A.S.No.66 of 2015 confirming the judgment and decree of the Principal District Munsif Court, Erode dated 12.09.2015 made in O.S.No.813 of 2006.

2. Both the parties along with their respective counsels are present before this Court.

3. Heard both sides.

4. The learned counsel on either side submitted that both the parties settled the dispute between themselves and entered into a compromise. Pursuant to the same, they have filed a Family Arrangement memo dated 22.07.2024 which has been duly signed by them.

5. The learned counsel appearing for the 7th respondent/11th defendant, the purchaser of item 4 of 'A' schedule property submitted that it may be made



clear that the 1st respondent/plaintiff as well as the appellant/2nd defendant shall not interfere with the 7th respondent/11th defendant's peaceful possession and enjoyment of the property i.e., Item 4 in the Schedule 'A' of the suit property.

6. The learned counsel appearing for the appellant/2nd defendant as well as the 1st respondent/plaintiff submitted that the interest of the 7th respondent/11th defendant has been secured in the Family Arrangement at paragraph No.7, therefore the learned counsels submitted that the 7th respondent/11th defendant can continue with the peaceful possession and enjoyment of the suit item 4 of 'A' schedule property and that there will not be any interference from the appellant/2nd defendant as well as from the 1st respondent/plaintiff.

7. In terms of the Family Arrangement an amount of Rs.11,00,000/- (Rupees Eleven Lakhs Only) as stated in the Schedule 'C' is paid to the 1st respondent today (22.07.2024) vide Demand Draft bearing Nos.499647 and 499646 (DBS Bank) dated 22.07.2024.

8. In view of the submissions made by the learned counsel for both sides the Family Arrangement memo dated 22.07.2024 is recorded and the Second



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Appeal is disposed of in terms thereof. The Family Arrangement memo dated 22.07.2024 shall form part and parcel of the Decree. No costs. Consequently, connected miscellaneous petitions are also closed.

9. Registry is directed to draft the final decree in terms of the Family Arrangement.

22.07.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq



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N. MALA, J.

dpq

To

1. The 1st Additional Subordinate Court, Erode
2. The Principal District Munsif Court, Erode

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22.07.2024