



**S.A.(MD) No.75 of 2009**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.06.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**S.A. (MD) No.75 of 2009**

1.Rajagopal Nadar (died)

2.Varatharajan (died)

3.R.Murugavel

4.P.Ramasamy

5.R.Jayashree

6.R.Rajakani

7.Priya

... Appellants

-vs-

1.Nataraj Nadar (died)

2.S.Saraswathi

3.M.Rajeshwari

4.S.Rajamani

5.R.Geetharani

6.R.Muthulakshmi



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7.R.Rajasekar

8.J.Radha

9.Chinnathai

10.Pachaikani

11.Selvamani

12.Asothai

13.Amutha Jothi

14.Ramasamy

15.Lakshmanan

16.Saraswathi

... Respondents

(Second Appellant died vide Court Order, dated 26.06.2024, made in S.A. (MD)No.75 of 2009)

(Appellants 3 to 7 and Respondents 2 to 8 are brought on record as L.Rs.of the deceased first Appellant vide Court order, dated 05.03.2012, made in M.P. (MD) No.3 of 2012)

(Respondents 9 to 16 are brought on record as L.Rs.of the deceased first Respondent vide Court Order, dated 05.04.2022, made in CMP (MD) Nos. 6986, 6987 & 6988 of 2018)

**PRAYER:** Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree, dated 29.09.2008, passed in A.S.No.71 of 2007 on the file of Subordinate Judge, Kovilpatti, reversing the judgment and decree, dated 26.09.2007, passed in O.S.No.49 of 2005 on the file of District Munsif Court, Vilathikulam.



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For Appellants : Mr.M.P.Senthil

For Respondents 2 to 8, 10 to 13 & 16 : Mr.L.Rajasekar

For Respondents 9, 14 & 15 : Mr.R.Narayanan

### **JUDGMENT**

When the Second Appeal is taken up for hearing, learned counsel for the appellant as well as the respondents filed a joint Compromise Memo, dated 25.06.2024, stating that all the parties to the Second Appeal entered into a Compromise Memo, dated 25.06.2024, prepared in Tamil, and settled the dispute.

2. It is also mentioned in the Memo that the second appellant – Varatharajan died pending Second Appeal and his legal representatives were not brought on record, as he was added only as a formal party in the suit. Therefore, the Second Appeal gets abated as against the second appellant.

3. The joint Compromise Memo is signed by all the parties to the Second Appeal, namely, Appellants 3 to 7 and Respondents 2 to 16. and countersigned by the respective counsel. Appellant 1 and Respondent 1 were already recorded as deceased. The legal representatives of the deceased first



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appellant were already brought on record as Appellants 3 to 7 and Respondents 2 to 8. The legal representatives of the deceased first respondent were already brought on record as Respondents 9 to 16. The death of the second appellant is recorded today and the appeal is dismissed as abated as far as the second appellant is concerned.

4. Since all the parties to the Second Appeal have signed the joint Compromise Memo and the parties are identified by the respective counsel, this Court is inclined to record the joint Compromise Memo.

5. In view of the same, the Second Appeal is disposed of in terms of the joint Compromise Memo and the joint Compromise Memo, dated 25.06.2024, prepared in Tamil with Sketch, shall form part of the decree in the Second Appeal. No costs.

**26.06.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To:

- 1.Sub Judge,  
Kovilpatti.
- 2.District Munsif,  
Vilathikulam.
- 3.Section Officer,  
V.R. Section,  
Madurai Bench of Madras High Court.



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**S.SOUNTHAR, J.**

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