



S.A.(MD) No.368 of 2005

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A. (MD) No.368 of 2005

1.Saraswathi (died)

2.Koothan (died)

3.Chellakutti (died)

4.Sivakami

5.Rathi

6.Santhi

7.Selvi

8.Lakshmi

... Appellants

-VS-

Malraj

... Respondent

(Appellants 2 to 8 are recorded as L.Rs.
of the deceased first appellant and
appellants 2 and 3 also died vide Court
Order, dated 06.07.2022, made in S.A.(MD)
No.368 of 2005)



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PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree, dated 02.12.2004, passed in A.S.No.9 of 2004 on the file of Sub-Court, Tuticorin, confirming the judgment and decree, dated 24.11.2003, passed in O.S.No.293 of 2002 on the file of Principal District Munsif Court, Tuticorin.

For Appellants : Mr.M.P.Senthil

For Respondent : Mr.S.Meenakshi Sundaram,
Senior Counsel,
for Mr.C.Selvakumar.

JUDGMENT

The learned counsel for the appellants and the respondent filed a Joint Compromise Memo, dated 24.07.2024, signed by the fourth appellant – Sivakami and the sole respondent - Malraj. As per the terms of Settlement, the fourth appellant agreed to purchase 4 cents of property comprised in Survey No.300/19, described as ABCD in Sketch-I, for a sale consideration of Rs.1,95,200/-. It is also agreed that the fourth appellant will pay a sum of Rs.9,55,000/- to the respondent towards expenses at the time of execution of the sale deed. Both the parties agreed that the judgment and the decree passed in A.S.No.9 of 2004 on the file of Sub-Court, Tuticorin, confirming the



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judgment and the decree passed in O.S.No.293 of 2002 on the file of Principal District Munsif, Tuticorin, shall be set aside and the Second Appeal shall be disposed of in terms of the Joint Compromise Memo.

2. The Joint Compromise Memo is signed by the fourth appellant and the sole respondent and also countersigned by the respective counsel. Since under the compromise the decree impugned in this Second Appeal is agreed to be set aside, the same will take care of the interest of the other appellants. Therefore, this Court is inclined to record the Compromise Memo.

3. The Second Appeal is disposed of in terms of the Joint Compromise Memo and the Joint Compromise Memo together with Sketch shall form part of the decree in this Second Appeal. No costs.

24.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note to Registry :

1. Send back the original records to the trial Court immediately.
2. Issue Order Copy by 25.07.2024.



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To:

- 1.Subordinate Judge,
Tuticorin.
- 2.Principal District Munsif,
Tuticorin.
- 3.Section Officer,
V.R. Section,
Madurai Bench of Madras High Court.



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S.SOUNTHAR, J.

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