



A.S(MD)No.39 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

A.S(MD)No.39 of 2021
and
C.M.P(MD)Nos.1202 and 1203 of 2021

1.S.Saraswathi,
(Rep. through her Power Agent S.Saravana Venkatraman)

2.S.Saravana Ventatraman

... Appellants/Defendants 1 & 2

Vs.

1.Sathyaprakash

2.Malathi

3.R.Selvarani

4.P.M.K.J.Kandasamy ... Respondents/Plaintiffs

5.S.Banumathi

6.S.Sjuatha @ Sudha ... Respondents/3rd & 4th respondents

7.K.Shankar

8.D.Sivalingam

9.S.Dhanasekaran Shanmugasundaram ... Respondents 7 to 9



A.S(MD)No.39 of 2021

(Respondents 7 to 9 are impleaded as per the order of this Court dated 12.10.2023 made in C.M.P(MD)No.12655 of 2022 in A.S(MD)No.39 of 2021 by TKRJ & PBBJ)

Prayer: Appeal filed under Order 41 Rule 1 r/w Section 96 of C.P.C., against the judgment and decree dated 05.10.2020 made in O.S.No.89 of 2014 on the file of the learned Principal District Court, Dindigul, Dindigul District.

For Appellant :M/s.S.Pon Senthil Kumaran

For R-1 to R-4 :Mr.R.Niresh Kumar

For R-7 to R-9 :Mr.S.Vashik Ali

For R-5 & R-6 : No appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is preferred challenging a preliminary decree, dated 05.10.2020 passed in O.S.No.89 of 2014 on the file of the learned Principal District Court, Dindigul, Dindigul District.



A.S(MD)No.39 of 2021

2. The appellants are defendants 1 & 2 and the 6th respondent is the daughter of the first appellant/first defendant. She is said to have parted with her right in favour of the first appellant/first defendant. The respondents 1 to 5 are the plaintiffs in the suit and they have sold their share to respondents 7 to 9.

3. Both sides have now resolved to settle the dispute amicably and filed a compromise memo signed by the appellants and respondents 7 to 9 along with their respective counsels and the learned counsel for the respondents 1 to 6.

4. This Court enquired both sides, who appeared in person and the first appellant who appeared on screen who all concur to the execution of the compromise memo.

5. So far as the fifth respondent is concerned, since she had already parted with her share in favour of the 8th respondent, her presence is not required.



A.S(MD)No.39 of 2021

WEB COPY

6. Similarly, since the 6th respondent has also transferred her share to the first appellant, her presence too is not essential for recording the compromise.

7. This Court is satisfied with the legality of the compromise entered and accordingly, records the same.

8. In fine, this appeal is disposed of in terms of the compromise and the decree be passed in terms of the compromise. No Costs. Consequently, connected Miscellaneous Petitions are closed.

(N.S.S., J.) (P.V.M., J.)
24.04.2024

NCC : Yes/No
Index : Yes/No

PM



A.S(MD)No.39 of 2021

To
WEB COPY

- 1.The Principal District Court,
Dindigul,
Dindigul District.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



A.S(MD)No.39 of 2021

N. SESHASAYEE, J.
and
P.VADAMALAI, J.

PM

A.S(MD)No.39 of 2021

24.04.2024