



WEB COPY

S.A.(MD).No.65 of 2024

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.65 of 2024
and
C.M.P(MD)Nos.1436 & 1438 of 2024

Madasamy Konar ... appellant/plaintiff/appellant/plaintiff/Plaintiff

/Vs./

Yacobu Rajan ... Respondent/Respondent/Defendant

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree of the lower Appellate Court dated 14.09.2023 passed in A.S.No.386 of 2017 on the file of the Subordinate Court, Thiruchendur, confirming the Judgment and Decree of the trial Court, dated 05.10.2015 passed in O.S.No.124 of 2011 on the file of the District Munsif Court, Thiruchendur.



S.A.(MD).No.65 of 2024

WEB COPY

For appellant/plaintiff : Mr.M.Saravanan

For Respondent : Mr.M.P.Senthil

JUDGMENT

The appellant/plaintiff herein had filed a suit against the respondent herein for declaration and permanent injunction and the same was dismissed. Aggrieved over the same, the appellant/plaintiff has preferred appeal suit and the same was also dismissed. Aggrieved over the same, the present second appeal has been filed.

2. Pending second appeal, the parties have entered into compromise and a Joint Compromise Memo is signed and submitted before this Court. In the Joint Compromise Memo, the parties have agreed that the suit 2nd schedule lane marked as “C D K J” in the plan annexed thereto is a ‘common lane’ and the same shall be used as common pathway. The parties also annexed a rough sketch along with



S.A.(MD).No.65 of 2024

WEB COPY

the Joint Compromise Memo. The Joint Compromise Memo and the sketch annexed thereto shall form part and parcel of this judgment.

3. Accordingly, this Second Appeal is disposed of in terms of Joint Compromise Memo. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2024

Index : Yes / No
NCC : Yes / No
jbr

TO:

- 1.The Subordinate Court, Thiruchendur.
- 2.The District Munsif Court, Thiruchendur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.(MD).No.65 of 2024

S.SRIMATHY, J.

jbr

Judgment made in
S.A.(MD)No.65 of 2024

Dated:
25.03.2024