



S.A.(MD).No.156 of 2021

WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2024**

CORAM:

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

S.A.(MD).No.156 of 2021
and
C.M.P(MD)No.2244 of 2021

V.Sriram ... Appellant/5th Respondent/2nd Defendant

/Vs./

1.Padma Ram Mohan ... 1st Respondent/Appellant/3rd Defendant

2.S.Krishnamoorthy

3.K.Karthick

4.K.Srikanth

5.K.Viswanathan

... Respondents 2 to 5/
Respondents 1 to/Plaintiffs 2 to 5

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree dated 04.09.2019 passed in A.S.No.169 of 2017 on the file of the Subordinate Court, Tirumangalam, by reversing the Judgment and Decree dated 22.06.2017 delivered in



S.A.(MD).No.156 of 2021

WEB COPY

Original Suit No.660 of 2004 on the file of the District Munsif Court,
Tirumangalam.

For Appellant : Mr.I.Suthakaran

For Respondents : Mr.S.Mahesh Babu
for R.1

: Mr.R.R.Kannan
for R.2 to R.5

JUDGMENT

The respondents/plaintiffs 2 to 5 had filed a suit in O.S.No.660 of 2004 on the file of District Munsif Court, Thirumangalam for partition claiming 1/4th share in the suit schedule property and the same was dismissed vide judgment and Decree dated 22.06.2017. Aggrieved over the same, 1st respondent / 3rd defendant has filed the appeal suit in A.S.No.169 of 2017 on the file of Sub Court, Thirumangalam and the same was partly allowed vide judgment and Decree dated 04.09.2019. Aggrieved over the same, the appellant/2nd defendant has filed this



S.A.(MD).No.156 of 2021

WEB COPY

second appeal.

2. Pending second appeal, the 1st respondent / 3rd defendant herein has agreed for settlement with the appellant / 2nd defendant and has received Rs.10,00,000/- (Rupees Ten Lakh only) through Demand Draft dated 31.01.2022. The aforesaid amount was received in lieu of her rights over the properties. On such receipt the said 1st respondent / 3rd defendant has given up her rights over the properties.

3. However, the respondents 2 to 5 / plaintiff 2 to 5 refused to receive the amount.

4. Pending second appeal, respondents 2 to 5 / plaintiff 2 to 5 and the appellant / 2nd defendant had arrived at settlement and had filed a Joint Compromise Memo. The parties have agreed to execute a sale deed in the Joint Compromise Memo and also agreed to other terms and the same is extracted hereunder:



S.A.(MD).No.156 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADRAS BENCH
(Civil Appellate Jurisdiction)

S.A.(MD) No.156 of 2021

V. Srikanth
S/o. S. Venkateshalapathy Iyer,
343, 1st Main Road,
Rose Nagar, Kovilambakkam,
Chennai - 600 125
Chennai District

versus

1. Appellant

1. S. Krishnamoorthy
S/o. Subramanaya Iyer
200/1C, Sundar Nagar,
Thirunagar, Madurai
Madurai District

2. K. Kartick
S/o. S. Krishnamoorthy
200/1C, Sundar Nagar,
Thirunagar, Madurai
Madurai District

3. K. Sridhar
S/o. S. Krishnamoorthy
200/1C, Sundar Nagar,
Thirunagar, Madurai
Madurai District

4. K. Viswanathar
S/o. S. Krishnamoorthy
200/1C, Sundar Nagar,
Thirunagar, Madurai
Madurai District

....Respondents No.2 to 5

**JOINT COMPROMISE MEMO FILED BY APPELLANT AND
RESPONDENTS No.2 to 5**

It is submitted that the Appellant and the Respondents No.2 to 5 both are agreed in the above Recd. Appeal S.A.(MD) No.156 of 2021 for the following terms and conditions.



S.A.(MD).No.156 of 2021

WEB COPY

1. It is submitted that both the Appellant and Respondents No.2 to 5 are agreed to settle the entire issue in the above Second Appeal S.A(MD) No.156 of 2021 which was filed challenging the Judgment and Decree dated 04.09.2019 passed in A.S.No.169 of 2017 on the file of the Subordinate Judge, Thirunangaluru.

2. It is submitted that upon negotiation process between the parties before this Hon'ble court the Respondents No.2 to 5 agreed to receive a total of 10 cents of land in S.No.425/22A1A Comprised in Patta No.2767, Thiruparankudam Village Madurai District. Further the appellant accepted that he will execute further 6 cents of land after getting success from the removal of encroachment made in S.No.425/23A1A.

3. It is submitted that the Appellant and the Respondents No.2 to 5 are agreed that the Respondents No.2 to 5 will take appropriate steps to implead themselves in the pending legal proceedings such as O.S.No.69 of 2023 on the file of the Vth Additional District & Sessions Judge Madurai and revenue proceedings No.No.Ka.1891 of 2023 before the Revenue Divisional Officer Thirunangaluru regarding S.No.425/1A1A and the appellant hereby undertake that he will not say any objection for impleading the Respondents No.2 to 5 in those pending litigations.

4. It is submitted that the Respondents No.2 to 5 hereby agreed that they are relinquishing their rights over the other schedule of properties in O.S.No.560 of 2004 on the file of District Munsif Court, Thirunangaluru and they will not make any future demand in any of the property with regard to the claim of partition between them. Further, the Respondents No.2 to 5 are agreed that they will co-operate with appellant for peaceful possession and enjoyment of other properties which are subject matter of the above said suit.

5. It is submitted that both the Appellant and Respondents No.2 to 5 will abide by the above conditions in letter and spirit and both pray before this Hon'ble court to mark this memo as settlement in the said second appeal S.A(MD) No.156 of 2021 and pass appropriate orders.



S.A.(MD).No.156 of 2021

WEB COPY

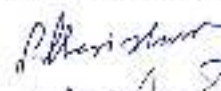
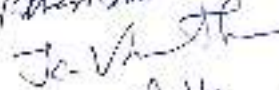
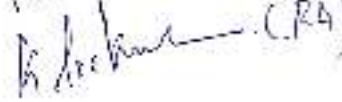
It is therefore prayed that this Hon'ble Court may be pleased to record the above joint compromise memo in S.A.(MD)No.156 of 2021 and pass appropriate orders as being fit and proper to the circumstances of the case and thus render justice.

Dated at Madurai on this the 27th day of March, 2024.

SIGNATURE OF THE PARTIES

APPELLANT

RESPONDENTS No.2 to 5

 (R2)
 (R3)
 (R4)
 (R5)

COUNSEL FOR APPELLANT

COUNSEL FOR
RESPONDENTS No.2 to 5

4. Accordingly, this Second Appeal is disposed of in terms of Joint Compromise Memo. The Joint Compromise Memo shall be part and parcel of this Judgment. In case if there is any dispute in implementing



S.A.(MD).No.156 of 2021

WEB COPY

the Joint Compromise Memo, the parties are at liberty to approach this Court. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

Index : Yes / No
NCC : Yes / No
jbr



S.A.(MD).No.156 of 2021

WEB COPY

S.SRIMATHY, J.

Jbr

TO:

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

Judgment made in
S.A.(MD)No.156 of 2021

Dated:
27.03.2024