



S.A.(MD).No.351 of 2022

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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2024**

CORAM:

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

S.A.(MD).No.351 of 2022

and

C.M.P.(MD)No.4071 of 2022

1. Chinthamani

2. Chinnapottu (Died)

... Appellants

/Vs./

1. Alagammai @ Alagammal

2. Govindammal

3. The Tahsildar,
Muthupettai Road,
Pattukottai Taluk & Munsif

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside against the Judgment and Decree, dated 16.09.2019, made in A.S.No.1 of 2017 on the file of Sub-Court, Pattukottai, by confirming the Judgment and Decree in O.S.No.60 of 2013, dated



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17.11.2016, on the file of District Munsif Court, Pattukottai and thus allow the appeal with costs.

For Appellants	: Mr.D.R.Murugesan
For R-1	: Mr.N.A.Palaniyandi
For R-2	: Mr.M.S.Senthil Kumar
For R-3	: M/S.S.Jeyapriya
	Government Advocate

JUDGMENT

This second appeal is filed to set aside the Judgment and Decree, dated 16.09.2019, made in A.S.No.1 of 2017 on the file of Sub-Court, Pattukottai, by confirming the Judgment and Decree in O.S.No.60 of 2013, dated 17.11.2016, on the file of District Munsif Court, Pattukottai.

2. The appellants are the defendants 3 and 4 in the suit and the appellants are the sisters of the deceased Mathimanickam. The second respondent is the first wife of the deceased Mathimanickam. The suit was filed by the first respondent herein namely Alagammai @ Alagammal claiming herself to be the second wife of the deceased Mathimanickam



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and the suit is filed for declaration to declare the first respondent / plaintiff as the sole legal heir of the deceased Mathimanickam and the suit was allowed. Aggrieved over the same, the appellants herein had preferred First Appeal in A.S.No.1 of 2017 and the said appeal was dismissed. Aggrieved over the same, the present second appeal is preferred.

3. The contention of the plaintiff is that the deceased had married the second respondent / second defendant Govindammal Selvi. But the said marriage was dissolved and the first wife had left the deceased Mathimanickam. Thereafter the deceased Mathimanickam had married the plaintiff Alagammai @ Alagammal as his second wife. But the deceased Mathimanickam had entered his first wife name in the Service Register. Hence, she was forced to file the present suit to declare herself as the wife of the deceased Mathimanickam. The first wife is not claiming any status or the monetary benefits of the deceased Mathimanickam and the Learned Counsel appearing for the first wife



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(second defendant / second respondent) reiterated that the first wife is not claiming any status or monetary benefits.

4. Now the first respondent / plaintiff and the appellants / defendant 3 and 4 are litigating the present second appeal. This Court had directed the parties to arrive at a settlement. Hence, the Learned Counsels took earnest effort to settle the issue among the parties.

5. Now the Joint Compromise Memo is filed, wherein it has been agreed that plaintiff / first respondent shall be declared as the wife of the deceased Mathimanickam and she is entitled to 50% of terminal benefits along with the legal heir certificate and the family pension of Mathimanickam. The balance 50% of the terminal benefits shall be granted to the appellants. Pending second appeal, the second appellant died and she is not having any legal heirs. Therefore, the entire balance 50% of the terminal benefits shall be paid to the first appellant. The joint memo of compromise shall form part of the decree. The third Respondent



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shall implement the present judgment and decree in letter and spirit within a period of the four weeks from the date of receipt of a copy of this order.

6. In the view of the above, this Second Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

Index : Yes / No
NCC : Yes / No
jbr

TO:

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



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S.SRIMATHY, J.

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Judgment made in
S.A.(MD)No.351 of 2022

Dated:
19.03.2024