



S.A.(MD).No.187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

S.A.(MD).No.187 of 2024
and C.M.P.(MD).No.4045 of 2024

1.Veeraprabhakaran

2.Mugundan

3.Manimala

... Appellants/Respondents 1 to 3/
Plaintiffs

Vs.

1.Perumal

... 1st Respondent/Appellant/
1st Defendants

2.Palanisamy

Subbaiah Gowder (died)

3.Madasamy

4.Selvi

5.Boss @ Murugan

6.Palaniammal

7.Ramayee

8.Lakshmayee

9.Murugeswari

... Respondents 2 to 9/Respondents 2, 4 to 10/
Defendants 2, 4 to 10



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PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to call for the records and set aside the decree and judgment dated 22.01.2024 in A.S.No.10 of 2022 on the file of the Additional District Court, Dindigul, reversing the Judgment and Decree dated 26.11.2018 in O.S.No.146 of 2007 on the file of the Additional Sub Court, Dindigul.

For Appellants : Mr.H.Lakshmi Shankar

For Respondents : Mr.B.Azhagesh for R1

Mrs.S.Vijaya Shanthi for R2

For R3 to R9 – No Appearance

JUDGMENT

This appeal is directed against the decree and judgment dated 22.01.2024 in A.S.No.10 of 2022 on the file of the Additional District Court, Dindigul, reversing the Judgment and Decree dated 26.11.2018 in O.S.No.146 of 2007 on the file of the Additional Sub Court, Dindigul.

2.The appellants filed the suit in O.S.No.146 of 2007 on the file of the Additional Sub Court, Dindigul, seeking partition of the suit properties and to create charge in respect of the 1/3rd share of the 1st



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defendant. The above said suit was partly allowed. Aggrieved over the same the first defendant filed an appeal before the appellate Court namely Additional District Judge, Dindigul in A.S.No.10 of 2022. The same was allowed reversing the finding of the trial Court. Against which, this second appeal has been filed by the plaintiffs.

3.Pending second appeal, the matter was compromised between the parties. They entered into a partition deed. They have filed a compromise memo before this Court accepting the above said partition deed. Both parties present and agreed the terms of compromise.

4.Recording the above said terms of compromise, this second appeal stands disposed of. No costs. The Judgment and decree passed by the trial court as well as the appellate court are hereby set aside. The suit in O.S.No.146 of 2007 on the file of the trial Court namely Additional Sub Court, Dindigul, is decreed as per the terms of compromise. Let the terms of compromise shall form part of the decree. Consequently, connected miscellaneous petition is closed.

26.07.2024



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Index : Yes / No
Internet : Yes / No

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To

- 1.The Additional District Judge, Dindigul.
- 2.The Additional Subordinate Judge, Dindigul.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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