



S.A.(MD).No.390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

S.A.(MD).No.390 of 2023
and C.M.P.(MD).No8310 of 2023

1.V.Backiyanathan
2.P.Thirumalairajan

... Appellants/Appellants/Defendants

Vs.

V.Karuppaiah

... Respondent/Respondent/Plaintiff

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 18.10.2022 in A.S.No.144 of 2016 on the file of the Sub Court, Manamadurai, by confirming the Judgment and Decree, dated 24.08.2017 made in O.S.No.100 of 2009 on the file of the Principal District Munsif Court, Manamadurai.

For Appellant : Mr.H.Arumugam

For Respondents : Mr.M.S.Jeyakarthik



S.A.(MD).No.390 of 2023

JUDGMENT

WEB COPY

This appeal is directed against the decree and judgment dated 18.10.2022 in A.S.No.144 of 2016 on the file of the Sub Court, Manamadurai, by confirming the Judgment and Decree, dated 24.08.2017 made in O.S.No.100 of 2009 on the file of the Principal District Munsif Court, Manamadurai.

2.The respondent as plaintiff filed a suit in O.S.No.100 of 2009 on the file of the learned Principal District Munsif, Manamadurai, for declaration, permanent injunction and recovery of possession against the defendants. The above said suit was decreed in favour of the plaintiff as prayed for. Aggrieved by the same, the defendants filed the appeal suit before the learned Sub Judge, Manamadurai, in A.S.No.144 of 2019. The first appellate Court confirmed the above said decree and Judgment. Aggrieved over the same, this appeal has been filed by these appellants.

3.Pending second appeal, the matter was settled between the parties out of the Court. They have entered into a joint compromise memo. Joint compromise memo is filed by the parties before this Court.



S.A.(MD).No.390 of 2023

Both parties are present before this Court along with their counsels. The same was verified. Along with the compromise memo a sketch has been annexed, showing that the western portion 'A B C D' is allotted to the plaintiff and 'D C F E' on the eastern portion is allotted to the appellants namely the defendants 1 and 2. The terms of compromise also admitted by both the parties.

4.In view of the above said compromise that has been reached between the parties, there shall be a decree in terms of compromise. Let the compromise an sketch be form part of the decree.

5.Accordingly, this second appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

Index : Yes / No
Internet : Yes / No
TM

To

1.The Subordinate Judge, Manamadurai.

2.The Principal District Munsif, Manamadurai.

3/5



S.A.(MD).No.390 of 2023

3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



S.A.(MD).No.390 of 2023

G.ILANGO VAN,J.

TM

S.A.(MD).No.390 of 2023

06.06.2024