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BEFORE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A.(MD).No.697 of 2021

and

C.M.P(MD)No. 13456 of 2023

and

SUO MOTU CONT.P(MD)No.2148 of 2024

S.A.(MD).No.697 of 2021

1. R.M.Vijayalakshmi
2. N. Subbulakshmi
3. L.Alagammal

... Appellants

/Vs./

1. N.Chidambaram
2. N.Muthuraman
3. A.Natchiammal
4. K. Prabakar
5. SP. Uthrapathy
6. K. Vallikannu
7. K. Mangai
8. K. Mala
9. A. Seethalakshmi
10. SP. Kannan (Died)



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11. K. Muthathal

12. Lakshmi Annamalai

13. T. Meenal

14. Priyadharshini

15. Minor.Sri Ragavarshini

*[Respondents 12 to 15 are brought on record as LR's the deceased
10th respondent vide Order of this Court, dated 28.11.2023.]*

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to call for the records in pursuance to the Decree and Judgment passed by the Learned Additional District and Sessions Judge, Sivagangai, dated 15.12.2000 made in A.S.No.26 of 2019, confirming the Decree and Judgment made in O.S.No.70 of 2011 dated 12.04.2016 by the Learned Subordinate Judge, Devakottai and set aside the same by allowing this Second Appeal.

For Appellants : Mr.AR.L.Sundaresan, Senior Counsel,
for M/s.S.Madhavan

For R-1 to 4, 6 to 9 : No appearance

R-10 : Died

SUO MOTU CONT.P(MD)No.2148 of 2024

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

... Petitioner



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Vs.

SP.Uthrapathy

... Contemnor

PRAYER: Suo motu Contempt proceedings is initiated vide Order of this Court, dated 19.09.2024 under Section 14 of the Contemt of Courts Act, 1971 read with Article 215 of the Consitution of India to punish the Contemnor/Respondent No.5 for his deliberate disobedience of the interim order passed by this Court.

For Contemnor : Mr.VR.Shanmuganathan

JUDGMENT

This Second Appeal is filed by the plaintiff in the suit to set aside the Decree and Judgment dated 15.12.2000 in A.S.No.26 of 2019 on the file the Additional District and Sessions Court, Sivagangai, confirming the Decree and Judgment dated 12.04.2016 passed in O.S.No. 70 of 2011 on the file of the Subordinate Court, Devakottai.

2. The plaintiffs in the suit are the appellants herein and the defendants in the suit are the respondents herein. For the sake of convenience, the contesting parties shall be referred to as plaintiffs and defendants as per the ranking in the suit.



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3. The suit in O.S.No.70 of 2011 was filed for partition of 3/12th shares over the suit properties in favour of the plaintiffs and the said suit was dismissed with costs payable to the defendant Nos.5, 10 & 11. Aggrieved over the same, the plaintiffs have preferred an appeal in A.S.No.26 of 2019 and the same was dismissed by confirming the Judgment and Decree passed by the Trial Court. Against the concurrent findings passed by the Courts below, the plaintiffs have preferred this Second Appeal.

4. After hearing the submissions on either side, this Court has reserved the case for Judgment. However, it was represented that the parties are intended to compromise the issue. Therefore, the parties were permitted to settle the issue amicably and report the same before this Court.

5. Accordingly, the parties have entered into compromise and the terms of compromise has been reduced into writing. The parties as well as their respective counsel had affixed their signatures in the compromise memo and the said compromise memo is filed before this



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Court, wherein the 5th and 11th defendants have agreed to pay a sum of Rs.10,00,000/- to the plaintiffs. Therefore, the 5th respondent is directed to pay a sum of Rs.3,00,000/- and the 11th respondent is directed to pay a sum of Rs.7,00,000/-[Totally, Rs.10,00,000/-only] to the plaintiffs, on or before **03.12.2024**.

6. In view of the same, the joint compromise memo is recorded. The Second Appeal is disposed of in terms of the joint compromise. The joint compromise memo shall form part and parcel of this Judgment and Decree.

7. If there is any default in payment, liberty is granted to the parties to reopen this Second Appeal. No costs. Accordingly, the Suo Motu Contempt petition is closed. Consequently, connected miscellaneous petition is also closed.

24.10.2024

Index : Yes / No
NCC : Yes / No
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TO:

1. The Additional District and Sessions Court,
Sivagangai.
2. The Subordinate Court, Devakottai.
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.697 of 2021

Dated:
24.10.2024