



A.S.(MD)No.325 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

A.S.(MD)No.325 of 2023

and

C.M.P(MD)No.17573 of 2023

M.A.Vanaja

... Appellant /
1st Defendant

-Vs-

1.P.Petchiammal

2.V.Vijaya Rani

3.P.Pandiyammal

4.S.Anbu Selvi

5.S.Pandiselvam

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

6.S.P.Aarthi

7.Larsen and Toubro Ltd.,

its HR Department,

Manapakkam, Chennai-600 039.



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8.Superannuation Scheme Board of Trustee,
its Senior Officer,
Larsen and Toubro Ltd.,
Krishna House 4th Floor,
Saki Vihas Road,
Opp. Saki Naka Andhri(East),
Mumbai-72.

9.Pension and Groups Scheme Department,
Life Insurance Corporation of India,
New India Bldg, S.V.Road,
Santacruz West,
Mumbai-54.

.. Respondents 6 to 9/
Defendants 2 to 6

Appeal suit filed under Section 96 of the Civil Procedure Code, 1908, as
against the judgment and decree dated 18.08.2023 made in O.S.No.40 of 2021 on
the file of the Additional District and Sessions Court, Theni at Periyakulam.

For Appellant : Mr.T.Antony Arulraj

For Respondents : Ms.K.Rama Prabha
for R1 to R5

: R6 Left India

: No appearance for R7 to R9



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J U D G M E N T

[Judgment of the Court was made by **RMT.TEEKAA RAMAN, J.**]

The respondents 1 to 5 herein filed a suit in O.S.No.40 of 2021 seeking partition of the property before the learned Additional District and Sessions Court, Theni at Periyakulam. By an order dated 18.08.2023, preliminary decree of partition was granted. As per the trial Court order, 1/18 share of the property was awarded for each plaintiff and defendants. Hence, the defendants has preferred this appeal. Pending appeal, they also filed C.M.P.(MD)No.17573 of 2023 for stay the operation of the trial Court judgment and decree. But no order of stay was granted.

2. In the meanwhile, due to the mediation done by the elders of the village, the parties are arrived at a settlement and entered into a compromise and made separate allocation of property by demarcation and also with regard to the C-Schedule property, which is movable. Accordingly, they have moved final decree application in I.A.No.1 of 2023 in O.S.No.40 of 2021 whereby in view of the compromise entered between the parties by order dated 06.09.2024, final decree



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has been passed as per the agreement contained therein.

3. In view of the fact that the final decree has been passed in the suit, this appeal against the preliminary decree stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

19.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PJL

To

1.The Additional District and Sessions Judge,
Theni at Periyakulam.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

PJL

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and
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