



S.A.No.620 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
**DATED: 21.02.2025**

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**THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

**S.A.No.620 of 2009 and**  
**C.M.P.No.20336 of 2017**

Kalaiselvan

... 1<sup>st</sup> Defendant/1<sup>st</sup> Respondent/Appellant

-VS-

1. Sivakumar

... 2<sup>nd</sup> Plaintiff/Appellant/1<sup>st</sup> Respondent

2. Jayaraman

3. Selvarani

4. Komathi

5. Chitra

6. Suguna

... Defendants 2 to 6/Respondents 2 to 6/  
Respondents 2 to 6

**Prayer:** Second Appeal Suit is filed under Section 100 of CPC to allow the Second Appeal dismissing the suit and setting aside the Decree and Judgment passed in A.S.No.16 of 2007 dated 29.11.2008 on the file of the District Judge, Tiruvannamalai and setting aside the Decree in O.S.No.163 of 2000 dated 31.01.2007 on the file of Principal Subordinate Judge, Thiruvannamalai.

For Appellant : Mrs.D.Malarvizhi

For Mr.M.P.Jayaprakash

For R1 : Mr.J.Ramakrishnan

For R2, R4 to R6 : No Appearance (Refused)

For R3 : No Appearance

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**J U D G M E N T**



*S.A.No.620 of 2009*

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Compromise.

This Second Appeal is listed today for recording the Memo of

2. Originally, a suit in O.S.No.163 of 2000 was filed by one Sanjeevi Ammal, seeking partition. During pendency of the suit, Sanjeevi Ammal died and on the basis of her last registered Will dated 01.05.2000, the 2<sup>nd</sup> plaintiff, namely, Sivakumar was impleaded in the suit. The suit had been decreed in part. Challenging the decree and judgment passed in the suit, the plaintiff filed A.S.No.16 of 2007, in which, the Appellate Court modified the shares. Aggrieved by such modification of shares, the 1<sup>st</sup> defendant is before this Court by filing the instant Second Appeal.

3. When the matter is taken up for hearing, both the appellant/1<sup>st</sup> defendant and the 2<sup>nd</sup> plaintiff/1<sup>st</sup> respondent herein, who appeared before this Court physically, have filed a Memorandum of Compromise dated 20.11.2024, wherein it has been stated as follows:



WEB COPY



S.A.No.620 of 2009

“1. The 1<sup>st</sup> respondent represented before the Honourable court that he needs amounts instead of his shares in the property. The same has been agreed by the Appellant before this Honourable court.

2. The 1<sup>st</sup> respondent claimed an amount of Rs.7½ lakhs (seven lakhs fifty thousand only) for his shares and the same has to be paid before 20<sup>th</sup> November 2024 and requested the appellant if it is paid through Bank the same was accepted by the Appellant.

3. As per the terms agreed the Appellant paid an entire amount through Bank Rs.5,00,000/- (Five Lakhs) in reference on UTR/RRN KKBK R12024111600935701 on 16/11/2024 and an amount of Rs.2,50,000/- (Two Lakhs Fifty Thousand) in Reference No.UTR/RRN KKBKR52024111800740187 on 18/11/2024.

4. Without prejudice tot their right both of them agreed amicably settled in the above appeal and declare that the terms of Memorandum of Understanding arrived at between them and recorded herein are fair and bonafide and in interest of all the parties.

**N.SATHISH KUMAR,J.,**  
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*S.A.No.620 of 2009*

4. The 1<sup>st</sup> respondent has conceded before this Court that he had received the amount in lieu of shares declared by the Trial Court.

5. In view of the above submission and recording the Memo of Compromise, this Second Appeal stands allowed. The decree and judgment of the First Appellate Court is hereby set aside and the suit filed by the 2<sup>nd</sup> plaintiff is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**21.02.2025**

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Index: Yes / No  
Internet: Yes / No  
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**To:**

1. The District Judge,  
Tiruvannamalai.
2. The Principal Subordinate Judge,  
Thiruvannamalai.
3. The Section Officer,  
V.R.Section,  
High Court,  
Madras.

**S.A.No.620 of 2009**