



S.A.Nos.786 & 787 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

S.A.Nos.786 & 787 of 2009
and M.P.No.1 of 2009

T.P.Thandapani

... Appellant in both Appeals

VS.

1. C.Karthikeyan (died)
2. Jayanthi Karthikeyan
3. Lekha Karthikeyan
4. Sonia Karthikeyan

... Respondents in both Appeals

(Sole Respondent died R2 to R4 are brought on
Record as his Lrs. Vide order of this Court, dated
20.06.2025 made in CMP Nos.12048 to 12050/2024)

Common Prayer: Second Appeals filed under Section 100 of Civil Procedure Code against the Decree and Judgment dated 15.02.2008 in A.S.Nos.29 of 2005 and 39 of 2004 on the file of the learned Subordinate Judge, Kancheepuram, confirming the Decree and Judgment dated 23.01.2004 in O.S.Nos.220 of 1998 and 339 of 1998 on the file of the Principal District Munsif, Kancheepuram.

In both Appeals

For Appellant : Mr.S.Balasubramanian

For Respondents : Mr.R.Amizhdhu



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COMMON JUDGMENT

S.A.No.786 of 2009 had been filed by the plaintiff in

O.S.No.220 of 1998 on the file of the Principal District Munsif Court at Kancheepuram. The suit was dismissed by Judgment dated 23.01.2004. Thereafter the plaintiff filed A.S.No.29 of 2005 before the Sub court at Kancheepuram. That Appeal Suit was dismissed by Judgment dated 15.02.2008. This has necessitated the plaintiff to file the Second Appeal in S.A.No.786 of 2009.

2. S.A.No.787 of 2009 had been filed by the defendant in O.S.No.399 of 1998 on the file of the Principal District Munsif Court at Kancheepuram. That suit was decreed by Judgment dated 23.01.2004. The defendant then filed A.S.No.39 of 2004 before the Sub Court at Kancheepuram which was dismissed by Judgment dated 15.02.2008, necessitating him to file the Second Appeal before this Court in S.A.No.787 of 2009.

3. Pending two Appeals, the sole respondent died and his legal representatives had been brought on record.

4. I must place on record my deep appreciation to the learned



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counsels for the appellant and the respondents Mr.S.Balasubramanian and

Mr.R.Amizhdu who had consented for the issue to be referred to

Mediation. Communication dated 16.07.2025 in Mediation File No.841 of

2025 has been received from the Tamil Nadu Mediation and Conciliation

Centre attached to the High Court wherein it had been reported that with

the assistance of the Mediator Mr.K.V.Muthuvisakan, the parties had

entered into a Memorandum of Compromise. The Memorandum of

Compromise had been produced in original which had been signed by the

appellant and by the second Respondent who has signed for herself and

for her daughters, the third and fourth respondents in both Second

Appeals. The Memorandum of Compromise is dated 11.07.2025. The

learned counsels for the appellant and the respondents have also signed

the Memorandum of Compromise. The Schedule of the properties had

also been enclosed along with the Sketch.

5. In view of the same, S.A.No.787 of 2009 is decreed in terms of the Memorandum of Compromise and S.A.No.786 of 2009 is dismissed. The original Memorandum of Compromise, the Schedule of

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the properties and the Sketch to form part of the decree. There is no order as to costs. The appellant in both the cases is permitted for refund of Court fee in accordance with Rules. Consequently, connected Miscellaneous Petition is closed.

21.08.2025

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Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes / No

To

1. The Subordinate Judge, Kancheepuram.
2. The Principal District Munsif, Kancheepuram.
3. The Section Officer, VR Section, High Court, Madras.

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