



S.A. No. 412 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

S.A. No. 412 of 2010
and M.P. No. 1 of 2010

1.S.Ramasamy
2.Ponnusamy
3.Kandasamy Gounder (died)
[A3 died, AA4 & 5 LR's of the
deceased A3 and AA7, 8 B/R as LR's
of the deceased A3 viz., Kandasamy
Gounder vide Court orders dt.
26.02.2021 made in MP No.2 of 2010
in S.A. No. 412 of 2010 (RNMJ)]

4.Sundaram
5.Chellammal
6.Allimuthu (died)
[A6 died, Appellants 9 and 10 B/R as
LR's of the deceased A6 viz.,
Allimuthu vide Court orders dt.
19.03.2021 made in CMP 4944 of
2021 in SA No. 412 of 2010.]

7.Perumayee
8.Rajammal
9.Lakshmi
10.Senthilkumar

...Appellants

Vs.

K.Raja Gounder

...Respondent



S.A. No. 412 of 2010

PRAYER: Second Appeal is filed under section 100 of the Code of Civil Procedure, 1908, to set aside the judgment and decree dated 29.12.2009 made in A.S. No. 6 of 2009 on the file of the Sub Court, Tiruchengode, reversing the judgment and decree dated 30.09.2008 made in O.S. No. 86 of 2000 on the file of the District Munsif Court, Tiruchengode.

For Appellants : Mr.N.Manoharan
Plaintiffs 3 & 6 (died)
Plaintiffs 1, 2, 9 & 10 (given up)

For Respondent : Mr.A.Palaniappan

J U D G M E N T

Both side counsel submitted that a joint compromise memo has been entered into between the appellants 4, 5, 7 and 8 and the respondents.

2.The learned counsel for the appellants submitted that the appellants 1, 2, 9 and 10 are neither the owners nor in any way concerned with the lands in which the cart track runs. Hence, the appeal against the appellants 1, 2, 9 and 10 not pressed, as their interest is not affected. The learned counsel for the appellants has made an endorsement to that effect. Hence, the appeal against the appellants 1, 2, 9 and 10 is dismissed as not pressed.



S.A. No. 412 of 2016

WEB COPY

4. Remaining appellants, viz., the appellants 4, 5, 7 and 8 are present.

The appellants 5, 7 and 8 are the mother and the sisters of the 4th appellant, viz., Sundaram and they have also given up their right in favour of 4th appellant and the appellants 5, 7 and 8 have executed a release deed in favour of the 4th appellant.

5. The sole respondent/ plaintiff viz., Rajagounder is not present though he has affixed his signature in the terms of compromise.

6. The learned counsel for the respondent submitted that the respondent/ plaintiff is bed-ridden and he is not able to make his personal appearance and that the counsel would make an endorsement to that effect in the Court record in terms of the compromise itself.

7. A sketch has also been attached along with the terms of compromise, which shall also form part of the terms of compromise. The joint compromise memo dated 14.10.2025 is recorded, which is taken on record.



S.A. No. 412 of 2010

WEB COPY

8. In pursuant to the same, the appeal is allowed in terms of the joint compromise memo, which shall form part of the decree. No costs. Consequently, connected petition is closed.

27.10.2025

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

Maya

To

1. The Sub Judge, Tiruchengode.
2. The District Munsif Court, Tiruchengode.
3. The Section Officer,
V.R. Section,
High Court, Madras.



WEB COPY



S.A. No. 412 of 2010

Dr.R.N.MANJULA, J.

Maya

S.A. No. 412 of 2010
and M.P. No. 1 of 2010

Dated : 27.10.2025