



WEB COPY

S.A. Nos.460 and 463 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

S.A. Nos.460 and 463 of 2019

and

C.M.P.No.7544 of 2019

S.A.No.460 of 2019

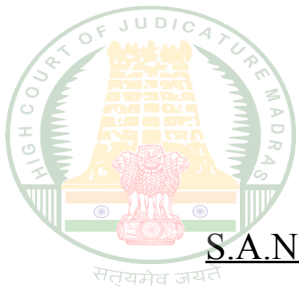
1. K.P. Nachimuthu (Died)
2. K.N. Muthukumar ... Appellants/ Cross Objectors/ Defendants
3. Sellammal ... Appellant No.3

(A1 died, A3 is brought on record as legal representative of the deceased A1, vide Court order dated 06.08.2025 in C.M.P.Nos.17789 and 17790 of 2025 in S.A.Nos.460 and 463 of 2019)

Vs.

1. K.N. Muthulakshmi
2. P. Muthayaal ... Respondents/ Respondents/ Plaintiffs

Prayer: This Second Appeal is filed Under Section 100 of Code of Civil Procedure against the Judgment and Decree dated 22.10.2018 made in Cross Appeal in A.S.No.14 of 2018 on the file of the learned Third Additional District and Sessions Court, Erode at Gobichettipalayam, confirming the Judgment and Decree dated 06.11.2017 made in O.S.No.7 of 2005 on the file of the learned Sub Court, Gobichettipalayam.



S.A.No.463 of 2019

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1. K.P. Nachimuthu (Died)
2. K.N. Muthukumar ... Appellants/ Cross Objectors/ Defendants
3. Sellammal ... Appellant No.3

(A1 died, A3 is brought on record as legal representative of the deceased A1, vide Court order dated 06.08.2025 in C.M.P.Nos.17789 and 17790 of 2025 in S.A.Nos.460 and 463 of 2019)

Vs.

1. K.N. Muthulakshmi
2. P. Muthayaal ... Respondents/ Respondents/ Plaintiffs

Prayer: This Second Appeal is filed Under Section 100 of Code of Civil Procedure against the Judgment and Decree dated 22.10.2018 made in A.S.No.14 of 2018 on the file of the learned Third Additional District and Sessions Court, Erode at Gobichettipalayam reversal of the Judgment and Decree dated 06.11.2017 made in O.S.No.7 of 2005 on the file of the learned Sub Court, Gobichettipalayam.

For Appellants : Mr. C.A. Ramanan
For N. Manokaran

For Respondents : Mr. F. Rahman Sheriff



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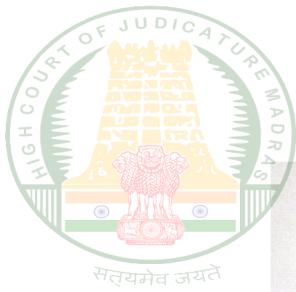
S.A. Nos.460 and 463 c



JUDGMENT

When the matter came up for hearing today, both side counsels appeared and produced a 'Joint Memo of Compromise' entered between the parties in these appeals.

2. The second appellant/ K.N.Muthukumar in both appeals appeared in person before this Court, the third appellant/ Sellammal and respondents namely K.N.Muthulakshmi and P.Muthayaal in both appeals appeared through video conferencing and they have been identified by others and by the learned counsels. Both parties submitted their consent and stated no dispute in the joint memo of compromise containing the allotment of shares and also the 'Field Map' showing the portion of the lands allotted to them. The joint memo of compromise entered between the parties is shown hereunder.



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S.A. Nos.460 and 463 c



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS

S.A.No. 463 OF 2019

K.P. Nachimuthu (Died)

1. K.N.Muthukumar,M/53
S/o. Late.K.P.Nachimuthu

2. Sellammal,F/85
W/o. Late.K.P.Nachimuthu

-Appellants

Versus

1. K.N. Muthulakshmi,F/58
W/o. P.Murugesan,
Asaripattarai Medu,
Alukuli Village,
Karattadipalayam Post,
Gobichettipalayam Taluk,
Erode District.

2. P.Muthaya,F/85
W/o. Ramasamy,
Theerthampalayam,
Sinnaripalayam village,
Erode District.

-Respondents

JOINT MEMORANDUM OF COMPROMISE FILED BY THE PARTIES

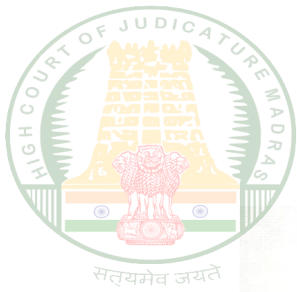
1. The respondents/ Plaintiffs have filed O.S. No. 7 of 2005 on the file of the Ld. Sub court, Gobichettipalyam for declaration that the Will dated 18.08.1993 has forged one and for partition of the properties into 4 equal shares and to allot 2 such shares to the contiguously to the plaintiffs. The Ld. trial court granted a preliminary decree in part by

Mr. [Signature]

(LTI)
(OF Muthaya)

K N Muthukumar

(LTI) OF Sellammal



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judgment and decree dated 06.11.2017, by which the 1st plaintiff was granted 1/6th share while dismissing the suit against the 2nd plaintiff.

2. The respondent/plaintiff filed A.S. No. 14 of 2018 and the appellants/defendants filed a Cross Appeal in A.S. No. 14 of 2018 on the file of the Ld. First Additional District and Sessions Court, Erode at Gobi Chettipalayam. The appeal in A.S. No. 14 of 2018 filed by the plaintiff was allowed, by which, the Will dated 18.08.1993 has been declared as null and void, and both the plaintiffs were granted 1/4th share each in the suit properties. Consequently, the Cross Appeal in A.S. No. 14 of 2018 was dismissed, by a common judgment dated 22.10.2018.

3. Aggrieved against, the appellants/defendants have filed S.A. No. 463 of 2019 against A.S. No. 14 of 2018 and S.A. No. 460 of 2019 against Cross Appeal in AS No. 14 of 2018 on the file of this Hon'ble Court. Pending the second appeals, the 1st Appellant/D1 died on 11.07.2021, and the respective parties herein have come together to perform the rituals, whereupon, both the parties have mutually agreed and accepted the suggestions given by the elders and well-wishers to compromise the matter. In the meantime, the 3rd appellant, wife of the 1st appellant/D1 was brought on record in the above appeals.

4. Both the appellants/defendants and the respondents/plaintiffs have mutually agreed to compromise the dispute and accepted the following terms of settlement:

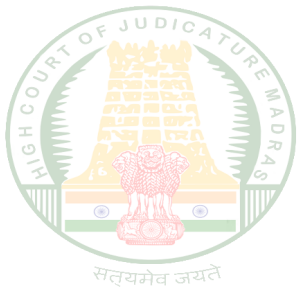
(i) The 2nd appellant/2nd defendant is the absolute owner of the C Schedule hereunder which is the suit item No. 2 measuring 1.00 Acre in S.F. No. 29/1 (old S.F. No. 308), Seyyampalayam Village, Gobichettipalayam Taluk, Erode District, by virtue of a sale deed dated 12.06.2003 (Ex.B10), in which, the plaintiffs/respondents or their legal

[Signature]

(LTI) of Muthaya

[Signature]

(LTI) of Sellamma



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heirs or representatives in interest have no right or claim. The 2nd appellant/D2 is declared as the absolute owner.

(ii) The 1st item of the suit properties measuring 7.37 acres have been divided equally. Accordingly, the 1st item in the suit schedule has been divided into A and B Schedules hereunder. The respondents/plaintiffs are entitled to A Schedule measuring 3.68 Acres ear marked in yellow colour in the plan attached herewith. The appellants/defendants are entitled to B Schedule measuring 3.68 acres ear marked in Pink Colour in the plan attached herewith.

(iii) The 3rd appellant Tmt Sellammal, wife of the 1st appellant K.P. Nachimuthu and the 2nd appellant K.N. Muthukumar are allotted B Schedule in common. The 2nd appellant undertakes and bound to take care of the interest of his mother/3rd appellant during her life time. After the life time of Tmt. Sellammal, her son/2nd appellant K.N. Muthukumar will become the absolute owner of the entire B Schedule including the share his mother.

(iv) Neither the respondents/plaintiffs or their legal heirs or representatives in interest are entitled to claim any right or share in the B Schedule hereunder, after the life time of Tmt. Sellammal

(v). This Memorandum of Compromise and the plan enclosed herewith may be treated as part and parcel of the final to be passed by this Hon'ble court in OS No. 7 of 2005 on the file of the Ld. Sub Court, Gobichettipalayam.

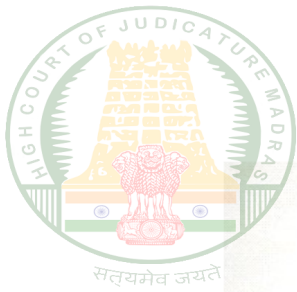
(vi) Both the parties have discussed the dispute in detail and voluntarily agree for the above terms and signed this compromise, without any coercion and undue influence.

for. [Signature]

K N Muthukumar

(LTI) of Muthukumar

(LTI) of Sellammal



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It is, therefore, the appellants and the respondents pray this Hon'ble Court to pass a final decree in terms of this Joint Memorandum of Compromise in SA No. 463 of 2019, by set aside the judgment and decree dated 22.10.2018 made in Cross Appeal in A.S. No. 14 of 2018 on the file of the Ld. Additional District and Sessions Court, Erode at Gobichettipalayam, which confirmed the judgment and decree dated 06.11.2017 made in O.S. No. 7 of 2005 on the file of the Ld. Sub Court, Gobichettipalayam and thus render justice.

SCHEDULE OF PROPERTIES

'A' SCHEDULE (Properties allotted to the Respondents/plaintiffs):

In Erode District, Gobichettipalayam Registration District, Gobichettipalayam Sub Registration District, Gobichettipalayam Taluk, Seyyampalayam Village

In S.F.No. 84/1 (Old S.F.No.386) (Patta No. 113) an extent of Punjai Acres 0.55 and

In S.F.No.84/2A (Patta No. 349) (Old S.F.No. 84/2 and before that Old S.F.No.387/1) an extent of Punjai Acre 3.13 in

Total Punjai Acre 3.68 bounded as Follows:

- On the North - The Lands of N. Palanisami
- On the South - The road leading to canal
- On the East - The mud road leading to the lands of N.R.Thiruvengadam
- On the West - Item 1 'B' Schedule Property
(now allotted to K.P. Nachimuthu and K.N.Muthukumar)

In this middle an extent of Punjai Acre 3.68 (Punjai Hec.1.49.0) lands having a well with Electric Service connection LC No.106, and a borewell, and also having a terraced house including tiled and thatched houses having Electric Service connection No.LC 305 and all other rights

K. N. Muthukumar

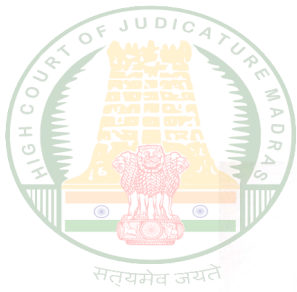


(LTI) of Muthaya

K. N. Muthukumar



(LTI) of sellam



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Including the path way and irrigation rights and all other right sattached there to.

'B'SCHEDULE(Properties allotted to the appellants/defendants):

In Erode District, Gobichettipalayam Registration District, Gobichettipalayam Sub Registration District, Gobichettipalayam Taluk, Seyyampalayam Village

- In S.F.No. 84/1 (Old S.F.No.386) (Patta No. 113) an extent of Punjai Acre 3.68 bounded as Follows;

On the North- The Lands of N.Palanisami On
the South- The road leading to canel

On the East -Item1'A'Schedule Property
(now allotted K.N.Muthulakshmi)

On the West - The road leading to canel

In this middle an extent of Punjai Acre 3.68 (Punjai Hec.1.49.0) lands having a well with Electric Service connection LC No.79, and all other rights including the pathway and irrigation rights and all other rights attached there to.

ITEM-II

'C' SCHEDULE

Property allotted to the 2nd Defendant/2nd Appellant:

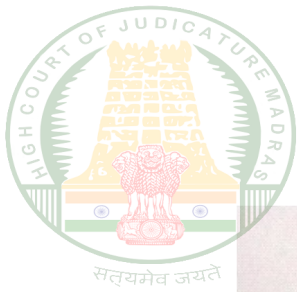
In Gobichettipalayam Registration District, Gobichettipalayam Sub Registration District, Gobichettipalayam Taluk, Seyyampalayam Village an extent of Punjai Acre 1.00 in S.F.No.29/1, (Old S.F.No.308) in Nanjai Hectare 1.82.5 and the Pathway right and the cart track right and irrigation rights and all other rights attached there to.

Dr. R. R. R.

(LTI)
[OF. Muthaya]

K. N. Muthulakshmi

(LTI)
[OF. sellamma]



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Boundaries:

On the North-the Lands of Velusamy

On the south-the lands of Vadugapalayam Shanmugam

On the east-the lands of Vadugapalayam Naicker and others and

On the West- North South Moat

Dated at Chennai on this 15th day of September, 2025

km. Muthaya



(LTI) of Muthaya

Respondents/Plaintiffs

K N Mathur



(LTI) of Sellummal

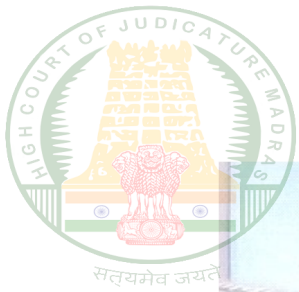
Appellants/Defendants

[Signature]

Counsel for the Respondents

[Signature]

Counsel for the Appellants



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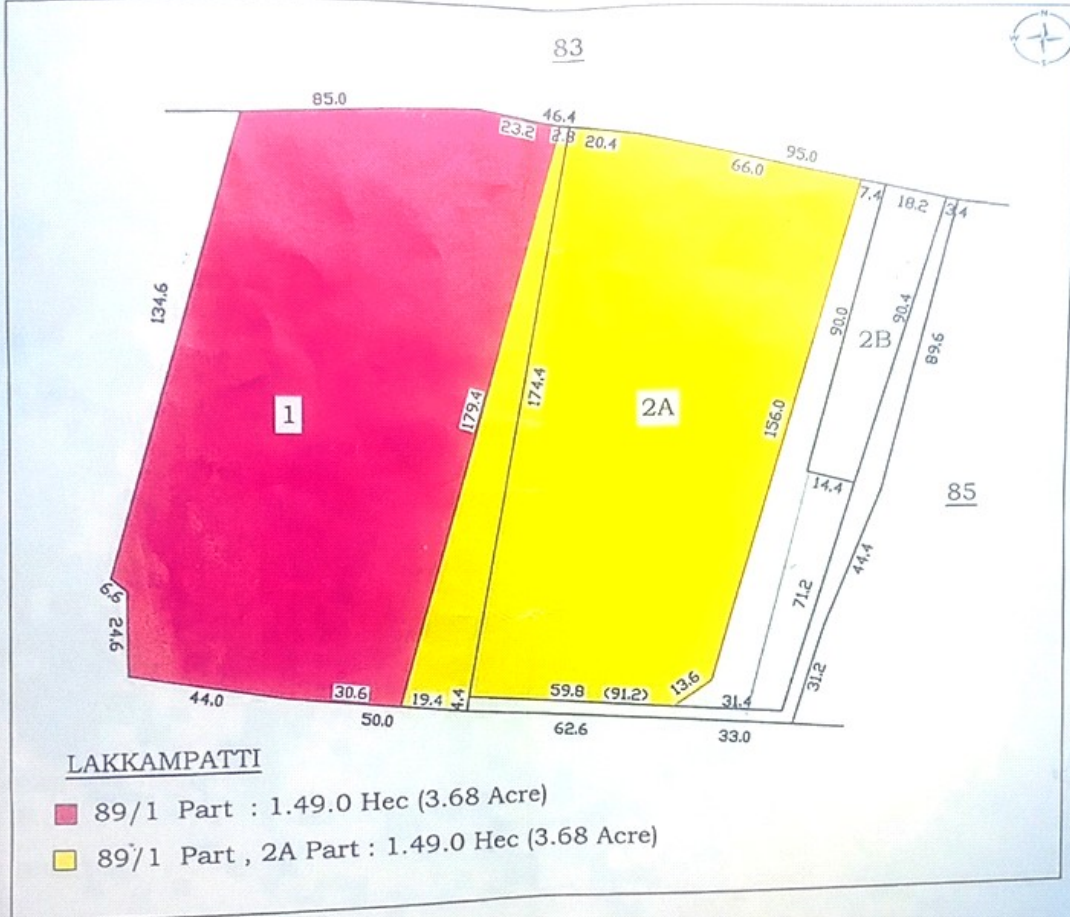
DISTRICT: ERODE

TALUK : GOBICHETTIPALAYAM

SURVEY No : 84

VILLAGE No : 26

NAME : SEIYAMPALAYAM
AREA : 3.69.0 HEC



Pr. Muthaya

(LTI)
(OF. Muthaya)

KN Muthuvel

(LTI)
(OF. sellammal)



3. In view of the above, based on the joint memo of compromise entered between the parties, these appeals are disposed of and the joint memo of compromise entered between the parties shall form part and parcel of this order.

4. Accordingly, these second appeals stand disposed of in terms of the joint memo of compromise entered between the parties. Consequently, connected civil miscellaneous petition stands closed. No costs.

15.09.2025

stn

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

To:

1. The III Additional District and Sessions Judge,
Erode at Gobichettipalayam.
2. The Sub Judge, Gobichettipalayam.
3. The Section Officer,
VR Section, High Court of Madras.



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K. RAJASEKAR, J.

stn

**S.A.Nos.460 and 463 of 2019
and C.M.P.No.7544 of 2019**

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