



S.A.No. 1056 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.01.2025

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

S.A. No.1056 of 2011
and M.P.No.1 & 2 of 2011

Siva

... Appellant

Vs.

1. Parameswari
2. Themozhi
3. Vinoth Kumar
4. Nithya Kumar
5. Saroja
6. Kanaga
7. Abishiniya
8. R.Rathnamala
9. Kothandaraman

... Respondents

(R8 and R9 are impleaded vide order dated 28.01.2025 made in M.P.No.1 of 2014 in S.A.No.1056/2011)

Second Appeal is filed under Section 100 of Civil Procedure Code, 1908, against the judgment and decree dated 09.02.2011 in A.S.No.74 of 2010 on the file of the Sub-Judge, Poonamallee, Tiruvallur District, reversing the Decree and Judgment dated 08.01.2010 made in O.S.No.1321 of 1993 on the file of the Principal District Munsif, Poonamallee.



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For Appellants : Mr.P.Dhananjayan
For R1 to R4 : Mrs.Padmaja Mohan
for Mr.Ashok Menon
For R8 and R9 : Mr.B.Balachander
R5 to R7 : Given up

JUDGMENT

The Second Appeal against the judgment and decree dated 09.02.2011 in A.S.No.74 of 2010 on the file of the Sub-Judge, Poonamallee, Tiruvallur District, reversing the Decree and Judgment dated 08.01.2010 made in O.S.No.1321 of 1993 on the file of the Principal District Munsif, Poonamallee.

2. The appellant is the first defendant in the suit filed by the plaintiffs for seeking the relief of permanent injunction in respect of the suit property. The trial Court has dismissed the suit and the first appeal filed by the plaintiffs was allowed and the judgment of the trial Court was set aside and the suit was decreed. Aggrieved over which the present Second Appeal has been preferred by the first defendant.

3. The respondents 2 and 4 in the present second appeal are the formal



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parties and they did not have any interest in the suit. The respondents 1 to 4 were the plaintiffs who have been impleaded as R2 and R4 in the second appeal. The 8th & 9th respondents are the subsequent purchasers of the subsequent purchaser from the plaintiffs 1 to 4. The 8th and 9th respondents have been impleaded in this Second Appeal by filing a petition in M.P.No.1 of 2014 for which the respondents 1 to 4 did not file any counter.

4. A memo has been filed to record the 8th respondent as the legal heir of the deceased 9th respondent and the same is recorded

5. Now a Memorandum of Compromise dated 28.01.2025 has been entered into between the appellant / first defendant and the 8th respondent who is the present title holder of the suit property. As per the terms of the compromise, the 8th respondent shall sell the suit property to the appellant / first defendant for a sum of Rs.30,00,000/-.

6. The learned counsel for R1 to R4 has endorsed no objection for the compromise that has been entered into between the appellant / first defendant and the eighth respondent who is said to be holding interest over the suit property as on today.



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WEB COPY 7. The Appellant / first defendant and the learned counsel for the 8th respondent is present. The appellant and counsel for the 8th respondent have stated that they have understood the terms of compromise and the parties have affixed their signature only after agreeing to the above terms. The terms of compromise is recorded.

8. Thus, the Second Appeal is disposed in terms of the Memorandum of Compromise dated 28.01.2025 and the terms of compromise shall form part of the decree. The judgment and decree dated 09.02.2011 made in A.S.No.74 of 2010 on the file of the Sub-Judge, Poonamallee, Tiruvallur District, is hereby set aside and the suit in O.S.No.1321 of 1993 on the file of the Principal District Munsif, Poonamallee is decreed in terms of the Memorandum of Compromise dated 28.01.2025, which shall form part of the decree. No costs. Connected miscellaneous petition is closed.

30.01.2025

Index:Yes/No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

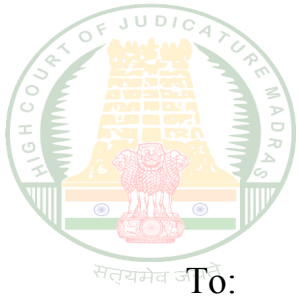
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To:
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1. The Sub-Judge, Poonamallee, Tiruvallur District.
2. The Principal District Munsif, Poonamallee.



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R.N.MANJULA, J.

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