



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 10.01.2025

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Appeal Suit Nos. 504 and 677 of 2020 and 74 of 2021

Appeal Suit No. 504 of 2020

1.P.Thangavel (Died)
2. Sandeep Ajendra
3.Nitin

... Appellants

Versus

1. Dhanalakshmi
P.Ganeshan (Died)
Pappathi (Died)
2. S.Rajamani
3. Sundarambal
4. G.Rajamani
5. G.Ramya
6. Vijayalakshmi

.... Respondents

(A1 Died. R6 is brought on record as L.R's of deceased A1,
vide order of Court dated 03.07.2024 made in C.M.P.No.
3002 of 2024 in A.S.No.504 of 2020) [TKRJ]

Appeal Suit No.677 of 2020

Dhanalakshmi

... Appellant

Versus

P.Ganeshan (Died)
1. P.Thangavel (Died)



2. T.Sandeep Ajendra

3. Nithin

Pappathi (Died)

4. S.Rajamani

5. Sundarambal

6. G.Rajamani

7. G.Ramya

8. Vijayalakshmi

... Respondents

(R1 Died. R8 is brought on record as L.R of deceased R1, vide order of Court dated 10.01.2025 made in C.M.P.No. 3005 of 2024 in A.S.No.677 of 2020) [SSKJ]

Appeal Suit No. 74 of 2021

1.S.Rajamani

2.Sundarambal

... Appellants

Versus

1. Dhanalakshmi

P.Ganeshan (Died)

2. P.Thangavel (Died)

3. Sandeep Ajendra

4. Nithin

Tmt.Pappathi (Died)

5. G.Rajamani

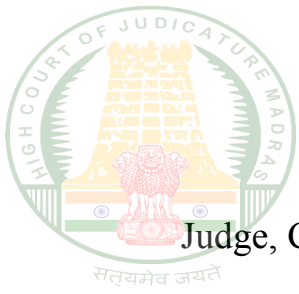
6. G.Ramya

7. Vijayalakshmi

.... Respondents

(R2 Died. R7 is brought on record as L.R of deceased R2, vide order of Court dated 10.01.2025 made in C.M.P.No. 3003 of 2024 in A.S.No.74 of 2021) [SSKJ]

COMMON PRAYER: Appeal suits filed under Section 96 of C.P.C r/w. Order 41 Rule 1 of C.P.C, against the Judgment and Decree dated 26.11.2019 made in O.S.No.550 of 2008 on the file of IV Additional District and Sessions



Judge, Coimbatore.



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A.S.No.504 of 2020:-

For Appellants : Mr.K.S.Karthik Raja
For R1 : Ms.K.R.B.Rohini
For R2&R3 : Ms.K.R.B.Dhaaranee
For R4&R5 : Ms.T.R.Gayathri
For M/s.Sarvabhauman Associates

A.S.No.677 of 2020:-

For Appellant : Mr.R.Siddharth & K.R.B.Rohini
For R1 to R3 : Mr.K.S.Karthik Raja
For R4 & R5 : Mr.K.R.B.Dhaaranee
For R6 & R7 : Mr.T.R.Gayathri
For M/s.Sarvabhauman Associates

A.S.No.74 of 2021:-

For Appellants : Ms.K.R.B.Dhaaranee
For R1 : Mr.R.Siddharth
For R2 to R4 : Mr.K.S.Karthik Raja
For R5&R6 : Ms.T.R.Gayathri
For M/s.Sarvabhauman Associates

COMMON JUDGMENT

Appeal Suits are filed against the Judgment and Decree dated 26.11.2019 made in O.S.No.550 of 2008 on the file of learned IV Additional District and Sessions Judge, Coimbatore.

2. Appeal Suit No. 504 of 2020 is filed by the Defendants 2 to 4 in



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O.S.No.550 of 2008 on the file of the learned IV Additional District and Sessions Judge, Coimbatore, against the dismissal of the suit regarding Item Nos.5 to 7 of the properties in the suit schedule.

3. Appeal Suit No. 677 of 2020 is filed by the Plaintiff in O.S.No.550 of 2008 on the file of the learned IV Additional District and Sessions Judge, Coimbatore, against the dismissal of the suit regarding Item Nos. 5 to 7 of the properties in the suit schedule.

4. Appeal Suit No.74 of 2021 is filed by the Defendants 6 & 7 in O.S.No. 550 of 2008 on the file of the learned IV Additional District and Sessions Judge, Coimbatore, against the dismissal of the suit regarding Item Nos.5 to 7 of the properties in the suit schedule.

5. The learned Counsel for the Appellant in A.S.No.504 of 2020 has filed the joint compromise memorandum dated 10.01.2025 arrived at between the parties settling the issue amicably between them.

6. The legal heirs of the Appellants in O.S.No. 504 of 2020 and the Plaintiff and other legal heirs of the other Defendants are present before this



7. Mr.T.Sandeep Agendra, 2nd Appellant and Mr.T.Nithin, 3rd Appellant in A.S.No.504 of 2020, who are practicing lawyers in Coimbatore, are present before this Court. Tmt.T.Vijayalakshmi, W/o.Late Thangavel, 6th Respondent in A.S.No.504 of 2020 and Mrs.Dhanalakshmi, 1st Respondent in A.S.No.74 of 2021 are also present before this Court. The first Plaintiff Pappathi died. The Defendants 6 & 7 namely Rajamani and Sundarambal are also present before this Court. Tmt.G.Ramya, 6th Respondent in A.S.No.74 of 2021 is also present.

8. The terms of the joint compromise is read over and explained to the parties in the presence of their Counsels. They agreed that they had given up their claim regarding Item Nos.5 to 7 of the properties. Also, the legal heirs of the Appellant Thangavel admitted that the decree granted by the trial Court and the Appeal preferred by them is not proceeded in A.S.No.504 of 2020. Similarly, in the Appeal preferred by the second Plaintiff in A.S.No.677 of 2020 regarding Item Nos.5 to 7 is not willing to proceed as she had given up her claim regarding the Item Nos.5 to 7 of the properties of the suit schedule as per the decree passed by the Trial Court.



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9. They have now arrived at a compromise and decided to give up Item Nos.5 to 7 of the properties of the suit schedule in favour of the legal heirs of Ganesan and the parties had been identified by their Counsels.

10. The joint compromise memo along with terms of the compromise and both the parties in all the 3 Appeals along with their identity proof are present. Copies of the Aadhar card are enclosed. The subject matter of Appeal had been amicably settled between the parties. The joint compromise memo is recorded.

11. In the light of the joint memo of compromise, **these Appeal Suits are disposed off.** The joint memo of compromise shall form part of the decree. The Appellants are entitled to refund of Court fee less commission. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2025

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Index : Yes/No

Speaking/Non-speaking order



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- To:
- 1.The IV Additional District and Sessions Judge,
Coimbatore.
 - 2.The Section Officer,
V.R. Records,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP, J.

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A.S.Nos. 504 and 677 of 2020 and
A.S.No.74 of 2021

10.01.2025



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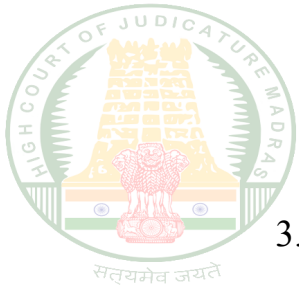
A.S.Nos.504 and 677 of 2020 and
A.S.No.74 of 2021

SATHI KUMAR SUKUMARA KURUP, J.

The Registry has pointed out that the details regarding Item 6 of the property was not mentioned in the Joint Compromise Memorandum submitted by the learned Counsel for the Appellant. In order to obtain clarification regarding Item 6 of the property for the purpose of drafting the decree, the case was posted in the list under the caption 'for clarification'.

2. Learned Counsel for the Appellant in A.S.No.504 of 2020 submits that as per the Joint Compromise Memorandum in Clause 18, it is stated that,

"Item 6 of the property was purchased by Late P. Ganesan on 11.07.1993 through Doc. No.2032/1993 on the file of the Sub Registrar, Pollachi located in Okkilipalayam village is a self acquired property of Late P.Ganesan which was alienated during his lifetime through sale deeds bearing Doc No.1730/2007 dated 05.03.2007 on the file of the Sub Registrar, Pollachi, before the institution of the suit in O.S.No.505/2008. Therefore, all the parties agree to withdraw any claim or rights in Item 6 of the property".



3. In the light of the above, Item 6 of the property was not mentioned in the Joint Compromise Memorandum.

4. The submission of the learned Counsel clarifying the same is accepted.

5. Registry is directed to draft the decree as per the terms of Joint Compromise Memorandum, leaving out Item 6 of the property.

09.07.2025

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SATHI KUMAR SUKUMARA KURUP, J.,

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A.S.Nos.504 and 677 of 2020 and
A.S.No.74 of 2021

09.07.2025