



S.A.No.107 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

S.A.No.107 of 2016
and C.M.P.No.2495 of 2016

Sri Nandivinayagar Temple, Nandivaram,
Chengalpattu Taluk, represented by
Its Hereditary Trustees.

- 1.M.Kalyanasundaram(Died)
- 2.L.Punniyakotti
- 3.T.Soundarajan(Died)
- 4.K.Ramasamy
- 5.K.Kumarasamy
- 6.Sugumar
- 7.Veeraragavan
- 8.Loganayagi
- 9.Gayathiri
- 10.Shanthi ... Appellants

(A3 died AA6 to 9 are brought on record
as LR's of the deceased A1 vide Court
Order dated 21.12.2024 made in
C.M.P.Nos.23463, 23472 and 23475
of 2024 in S.A.No.107 of 2016.)
(A1 died A10 is brought on record as
LR's of the deceased A1 vide Court order
dated 21.12.2024 made in C.M.P.Nos.24752,
24757 and 24759 of 2024 in S.A.No.107 of 2016.)

vs.

- Duraisamy Naidu (Died)
- 1.Muthukrishnan Naidu
 - 2.Govindaraj (Died)
 - 3.G.Dhanalakshmi
 - 4.G.Mekala
 - 5.G.Kumudha
 - 6.G.Vijaya



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7.G.Gowrishankar

8.G.Kritika

9.Sivaprakasam Mudaliar (Died)

10.Mani Naicker

11.Anbalaga Mudaliar

12.Elumalai Mudaliar

13.Arumuga Mudaliar

14.Vasantha

15.Yasodha

16.Komathi

17.Deepa

... Respondents

(R2 Died-R3 to R8 are brought on record as LR's of deceased R2 vide Court order dated 21.12.2024 made in C.M.P.Nos.25977, 25981 and 25979 of 2024 in S.A.No.107 of 2016).

(R9 to R13 impleaded vide Court order dated 21.12.2024 made in C.M.P.No.25982 of 2024 in S.A.No.107 of 2016).

(RR14 to 17 are impleaded vide Court Order dated 04.03.2025 made in C.M.P.No.803 of 2025 in S.A.No.107 of 2016).

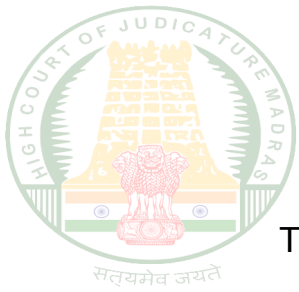
PRAYER: This Second Appeal is filed under Section 100 of C.P.C., against the judgment and decree dated 03.11.2015 made in A.S.No.12 of 2014 on the file of Court of Additional Subordinate Judge, Chengalpattu confirming the Order and Decree in E.A.No.107/2012 in E.P.No.13/2010 in O.S.No.450/1983 dated 08.08.2014 on the file of the District Munsif, Chengalpattu.

For Appellants : Mr.N.Subbarayalu

For Respondents : Mr.G.Jeremiah [For R8, R10 to R17]

Mr.M.Vivekanandan[For R1, R3 to R7]

JUDGMENT



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The learned counsel for the appellants would submit that the matter has been settled between the appellants and the respondents. Compromise agreement has been entered into between the parties before the Mediation Centre attached to this Court.

2. The Terms of Compromise Agreement is extracted hereunder:
COMPROMISE AGREEMENT ENTERED BY THE PARTIES IN THE
MEDIATION CENTRE OF THE HON'BLE HIGH COURT, MADRAS :

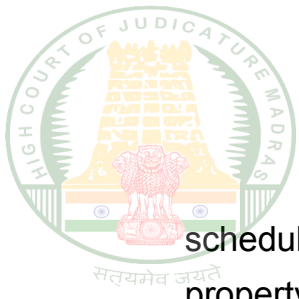
1. The above second appeal is preferred by the Appellants as against the order passed in appeal No.12/2014, on the file of Additional Subordinate Court, Chengalpattu, Decree and Judgment dated 03.11.2015.

2. The appellants being the hereditary trustees of the Sri Nandivinayagar Temple, have sold the suit subject property by virtue of registered sale deed to and in favour of the following persons who are the defendants in O.S. No.450/1993, defendants 1,2,4,6 & 7 namely

- i) Mr.Sivaprakasam Mudaliar (died)
- ii) Mr.Mani Naicker
- iii) Mr.Anbalaga Mudaliar
- iv) Mr.Elumalai Mudaliar
- v) Mr.Arumuga Mudaliar

The above persons are purchasers of plot No.1 to 5 from the appellants by Deed registered Sale Deed of 07.11.1983, document Nos.9220/1983, 8936/1983, 9221/1983 and other two registered sale deeds, in which owning 3 cents (1307 sq.ft., of land) totally in all 15 cents.

3. The trial court by a Decree and Judgment dated 25.02.1992, decreed the above suit granting the relief of declaration of title of the entire schedule B property, permanent injunction, declaring the title of A



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schedule property, recovery of possession in respect of C schedule property which is under the occupation of the above parties and to recover the possession from the above parties to the present respondents 3 to 8 who are the successors of the plaintiff Mr. Duraisamy Naidu.

4. The above said parties/purchasers have filed appeal against the Decree and Judgment dated 25.02.1992, in A.S. No.22/1992, on the file of Principal Subordinate Judge, Chengalpattu and the same was dismissed by Decree and Judgment dated 25.01.1994. As against the said appeal S.A. No.550/1994, was preferred on the file of High Court of Chennai and the same was dismissed by Decree and Judgment dated 05.07.2012.

5. At present the purchasers Respondents 10 to 17 from the above appellants have amicably resolved to settle the issue by accepting the right title and interest of the respondents 3 to 8 as per the Decree and Judgment dated 25.02.1992, on the file of District Munsif Court, Chengalpattu.

6. In view of the resolution of disputes amicably settled between the purchasers respondents 10 to 17 of the appellants who are in possession of 15 cents have agreed to purchase the right title and interest of the absolute ownership and decretal order of recovery of possession rights from the respondents 3 & 8.

7. The respondents 3 to 8/plaintiff/legal representative of deceased 2 respondent who are having the absolute right by way of decree and Judgment for declaration of title in respect of schedule A property consisting of total extent of 23 cents. The schedule B consisting of B cents for which the respondents/plaintiffs/legal representative of deceased 24



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respondent who are entitle for permanent injunction for possession are giving up the rights of 4 cents, which is now formed as Street bearing Old S.No.261/1A2A part and New S.No.611/13 as per the sketch annexed herewith along this Compromise Arrangement being the measurement of the said Street. Therefore, the respondents 3 to 8/plaintiffs/legal representative of deceased 2nd respondent are giving up their right, title and interest and the decree and judgment obtained as per dated 25.02.1992, in respect of schedule B & C of the schedule of property mentioned in the said decretal order mention in O.S. No.450/1993 on the file of District Munsif Court, Chengalpattu.

8. The purchasers from the appellants had agreed to pay a sum of Rs.8,00,000/- each in all totaling sum of Rs.40,00,000/- to the respondents 3 to 8/plaintiffs/legal representative of deceased 2nd respondent who are having the absolute right by way of decree and judgment for declaration of title in respect of schedule A property consisting of total extent of 23 cents. The schedule B consisting of 8 cents for which the respondents/plaintiffs who are entitle for permanent injunction for possession are giving up the rights to 4 cents, which is now formed as Street bearing Old S.No.261/1A2A part and New S.No.611/13 as per the sketch annexed herewith along this Compromise Arrangement being the measurement of the said Street. Therefore, the respondents 3 to 8/plaintiffs/legal representative of deceased 2nd respondent are giving up the right, title and interest and the Decree and Judgment obtained as per dated 25.02.1992, in respect of schedule B & C of the schedule of property mentioned in the said decretal order mention in O.S. No.450/1993 on the file of District Munsif Court, Chengalpattu.

9. The purchasers from the appellants have today handed over original demand drafts to and in favour of the respondents/plaintiffs/legal



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representative of deceased 2nd respondent in the following manner:

i) Mrs. Mekala Govindarajulu, Rs. 8,00,000/- (Rupees Eight Lakhs only), Drawn on Indian Bank, Guduvancherry Branch, dated 15.03.2025, bearing No. 151475.

ii) Mrs.Kumudha, Rs.6,00,000/- (Rupees Six Lakh only), Drawn on Indian Bank, Guduvancherry Branch, dated 13.03.2025, bearing No.151472.

iii) Mrs.G.Dhanalakshmi, Rs.4,00,000/- (Rupees Four Lakh only), Drawn on Bank of Baroda, dated 14.03.2025, bearing No.736307.

iv) Mrs.G.Dhanalakshmi, Rs.1,00,000/- (Rupees One Lakh only), Drawn on Karur Vysya Bank, dated 15.03.2025, bearing No.165350.

v) Mr.Muthukrishnan, Rs.3,00,000/- (Rupees Three Lakhs only), Drawn on State Bank of India, dated 12.03.2025, bearing No. 128378.

vi) Mr.Muthukrishnan, Rs.2,00,000/- (Rupees Two Lakhs only), Drawn on Karur Vysya Bank, dated 15.03.2025, bearing No.165351.

vii) Mr.Vijaya, Rs.5,00,000/- (Rupees Five Lakhs only), Drawn on State Bank of India, Guduvancherry Branch, dated 12.03.2025, bearing No.128380.

viii) Mrs.Kritika Govind, Rs.4,00,000/- (Rupees Four Lakhs only), Drawn on Karur Vysya Bank, Guduvancherry Branch, dated 17.03.2025, bearing No.232229.

ix) Mrs.Kritika Govind, Rs.2,00,000/- (Rupees Two Lakhs only), Drawn on Indian Bank, Kundrathur Branch, dated 13.03.2025, bearing No. 151473.

x) Mrs.G.Gowri Shankar, Rs.5,00,000/- (Rupees Five Lakhs only), Drawn on State Bank of India, dated 14.03.2024, bearing No. 128388.

SCHEDULE 'A':

S.No.261/1A2A, acre 0.23 cents, bounded on the :

North by- Pillayar Kovil Street,

South by- Sengani Amman Kovil Street @ Nadu Street,



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East by- Paimash No.711, (Gramanatham) site owned by Muthukrishna Naidu Vagaiyara

West by- S.No.261/4, Punja Site owned by Kannappa Naidu Vaigaiyara.

SCHEDULE 'B':

Property situated in Nandhivaram Village, Chengalpattu Taluk, Tambaram, SRO Chengalpattu District part of in the schedule A property being Eastern acre 0.04 cents out of 8 cents bounded on the:

North by- Pillayar Kovil Street

South by- Sengani Amman Kovil Street @ Nadu Street,

East by- Paimash No.711, site owned by Muthukrishna Naidu Vagaiyara

West by- Schedule C property

SCHEDULE 'C':

Property situated in Nandhivaram Village, Chengalpattu Taluk, Tambaram, SRO Chengalpattu District portion of schedule A property being Western bounded on the:

North by- Pillayar Kovil Street,

South by- Sengani Amman Kovil Street @ Nadu Street

East by- B Schedule Property

West by- S.No.261/4, Kannappa Naidu Vaigaiyara

Dated at Chennai on this 17th day of March, 2025.

3. The learned counsel for the appellants would state that the matter has been settled between the parties by way of arriving at a compromise and filed the compromise memo.

4. In view of the same, this Second Appeal stands disposed of. The compromise agreement shall form part of this judgment. No costs. Consequently, connected miscellaneous petition is closed.



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Index: Yes/No
Speaking / Non-speaking order
ssn

To:

1. The Additional Subordinate Judge,
Chengalpattu.
2. The District Munsif,
Chengalpattu.
3. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

R.KALAIMATHI, J.,

ssn

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and
C.M.P.No.2495 of 2016



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