



Application No. 2803 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE C.V.KARTHIKEYAN

Application No. 2803 of 2025

in

C.S. No. 290 of 2003

Dr.S.Navarathinam (deceased)

N.Rathnakumar

... Applicant

-VS-

S.Yogarathinam (deceased)

1.S.Rajarathinam

2.Y.Lakshmi

3.R.Revathi

4.S.Prema

5.S.Saravanan

6.Thangakumari

7.Shanmugadurai

8.Ponnudurai

9.Aruldurai

10.Y.Lakshmi

11.P.Sujatha

12.Shanmuga Priya

13.Y.P.Shiravan

...Respondents



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Prayer: This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XXII Rule 3 of CPC, praying to record this Memo of Compromise dated July 31, 2024 entered into between the 2nd plaintiff and the defendants 2,4,5,10,11 and 12 and pass a decree in terms of the Memo of Compromise without prejudice to the rights of the plaintiff to continue the suit against the defendants 7 and 8 as agreed in the Memo of Compromise in the present suit in C.S. No. 290 of 2003.

For applicant : Mr.T.K.Bhaskar

For respondents : Mr.P.Valliappan, Senior Counsel
For Mr.N.Loganathan
(D2 to D5, D6, D10, D11 to D15
Mr.G.Karthikeyan (D6 to D8)
Mr.B.Arvind Srevatsa (D7)
Mr.T.S.Baskaran (D1 & D4)

ORDER

This application has been filed by the surviving plaintiff in the suit taking advantage of Order XXIII Rule (1)(2)&(3) of the CPC seeking to withdraw the suit as against 2nd, 4th, 5th, 10th, 11th and 12th defendants, in view of the Memorandum of Compromise dated 31.07.2024 entered into among the parties.

2. In the affidavit filed in support of the judges summons, it had



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been contended by the applicant that he had been brought on record subsequent to the death of the plaintiff in his capacity as son.

3. The suit had been filed seeking partition and for separate possession of the properties, which had been described in Schedules A and C and seeking 1/4th share to the plaintiff and for consequential reliefs. It had been stated that the applicant /plaintiff had entered into a compromise with the 2nd, 4th, 5th, 10th, 11th and 12th defendants and a Memorandum of Compromise had also been entered into among the parties on 31.07.2024. In view of the same, this application has been filed seeking to record the Memorandum of Compromise and to pass a decree in terms of the Memorandum of Compromise, however, retaining the right of the applicant /plaintiff to proceed against the 7th and 8th defendants. The Memorandum of Compromise has also been filed in Court and perusal of the same shows that the parties have signed in each and every page and the counsels have also signed. It had also been presented before the Registry.

4. The learned Senior Counsel appearing for the respondents in



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Application No.2803 of 2025/ 2nd, 4th, 5th, 10th, 11th and 12th defendants contends that the parties have, with wisdom, taken a conscious decision to settle the issues and that the terms agreed among the parties are recorded in the Memorandum of Compromise. It is therefore insisted that since these defendants are no longer at issue with the plaintiff with respect to the reliefs sought in the plaint, the Memorandum of Compromise may be recorded and judgment may be passed recording the Memorandum of Compromise and granting a decree in terms of the Memorandum of Compromise for the plaintiff as against the 2,4,5,10,11 and 12 defendants.

6. Taking into consideration all factors particularly, since the plaintiff had entered into the compromise with the aforesaid 2nd, 4th, 5th, 10th, 11th and 12th defendants, this application stands allowed and decree is passed in terms of the Memorandum of Compromise dated 31.07.2024.

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C.V.KARTHIKEYAN, J.

Maya

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