



C.R.P.No.4993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.4993 of 2024
and C.M.P.No.28069 of 2024

Subramani (died)

1. Ramayal (died)

2. Rukmani

3. Sumithra

4. Pradeep

5. Kaliyammal

6. M. Natarajam

... Petitioner

1st petitioner died. Sixth petitioner (who is already on record) is recorded as LRs of the deceased first petitioner, viz., Ramayal vide court order dated 22.10.2024 made in C.M.P. No.19983/2022 in CRP Sr. No.85693/2020

Vs



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WEB 1. Kumarasamy

Ramasamy Gounder (died)

2. Vellingiri

3. Saraswathi

4. Devayal

5.K. Vikram

... Respondents

Fifth respondent impleaded vide court order dated 09.04.2025 made in
C.M.P. No.9021/2025 in CRP No.4993/2024.

PRAYER : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 03.03.2020 passed in IA No. 249 of 2018 in Unnumbered AS in CFR No. 10264/2018 on the file of Principal District Judge, Erode.

For Petitioners	:	Mr.T.S. Baskaran
For R1 & R5	:	Mr.K. Hemanathan
For R2 to R4	:	No appearance.



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ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 03.03.2020 passed in IA No. 249 of 2018 in Unnumbered AS in CFR No. 10264/2018 on the file of Principal District Judge, Erode.

2. The learned counsels appearing on either side submitted that the parties have arrived at a settlement and filed a Joint Memo of Compromise dated 15.04.2025 signed by both the parties and their respective counsels.

3. All the petitioners excepting the fifth petitioner Kaliyammal, and the respondents 1 and 5 appeared through Video conferencing, and Mr.T.S.Baskaran, learned counsel for the petitioners identified them. He submitted that the fifth petitioner had affixed her Left Thumb impression while he watched her through video conferencing and to that effect he has also made an endorsement at Page No. 8 of the Joint Memo of Compromise.

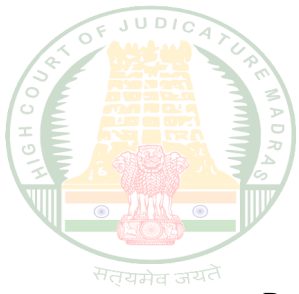


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WEB COPY 4. The Joint Memo of Compromise dated 15.04.2025 is extracted hereunder:

***"JOINT COMPROMISE MEMO FILED BY THE PETITIONERS
AND 1ST & 5TH RESPONDENTS***

1. The above Civil Revision Petition is filed challenging the fair and decretal order dated 03.03.2020 passed in I.A. No. 249 of 2018 in unnumbered A.S. in C.F.R. No. 10264 of 2018 on the file of the Learned Principal Judge, Erode. The Appeal was filed against the dismissal of the petition filed in E.A. No. 294 of 2004 in E.P. 127 of 2001 in O.S.No. 61 of 2000 on the file of the Learned Subordinate Judge, Gobichettipalayam. One Subramani who is the husband of 1st petitioner, father of the Petitioners 2 and 3 and son of 4th Petitioner and one Ramayal who is the mother of 5th Petitioner herein had filed an application in E.A. 294 of 2004 to set aside the sale deed on 14.10.2004 and to raise the attachment ordered on the petition mentioned property. The said application in E.A. 294 of 2004 was dismissed and against which the appeal was preferred before the Learned Principal Judge, Erode with a petition to condone the delay. As the Petition to condone the delay in preferring the said appeal was dismissed, the present Civil Revision Petition is filed.



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2. *It is submitted that pending the proceedings, the 1st Respondent settled the Schedule 'A' mentioned property vacant land along with other properties in favour of his wife Lakshmi as per the settlement deed dated 05.09.2022 vide. Document No.6626 of 2022 on the file of SRO, Sathyamangalam. Further, the said Lakshmi settled the said property in favour of her daughter K.Radha as per the settlement deed dated 28.06.2023 vide. Document No.4711 of 2023 on the file of SRO, Sathyamangalam. The said K.Radha in turn settled the aforesaid property in favour of the 5th Respondent herein as per the settlement deed dated 09.10.2023 vide. Document No.7386 of 2023 on the file of SRO, Sathyamangalam. The 5th Respondent who is also the grandson of the 1 Respondent herein is succeed to the Schedule 'A' mentioned property as stated above. Therefore, the 5th Respondent was impleaded as one of the Respondents as he is also a proper and necessary party for proper disposal of the above said Civil Revision Petition. The Respondent 2 to 4 herein have no right over the Schedule Mentioned Property and they are not necessary parties to this compromise.*

3. *Pending the Civil Revision Petition, the dispute between the parties is amicably settled in the following manner:*

a) *The both the parties hereby agreed that the sale deed held on 14.10.2004 in E.P. No. 127 of 2001 on the file of the Learned Sub-*



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Ordinate Judge, Gobichettipalayam is set-aside to an extent of 2180 Sq.ft in respect of the property purchased by the petitioners under the registered sale deed dated 10.01.2000 Vide Document No. 3027 of 2000 on the file of the SRO, Sathyamangalam.

b) The 1st Respondent and 5th Respondent hereby agreed that the petitioners are the absolute owners of the property measuring 2180 Sq.ft in Survey no. 248/2 (Old Survey no. 270 A-B) in Malayadipudur Village, Sathyamangalam Taluk, Sathyamangalam Sub-Registration District, Gobichettipalayam Registration District and morefully described in the Schedule B hereunder.

c) The Petitioners hereby agreed that the 1st Respondent and 5th Respondent is the absolute owners in respect of the property under the auction sale held on 14.10.2004 in E.P. 127 of 2001 in O.S. No. 61 of 2000 except the property belonging to the petitioners herein as mentioned in the Schedule-B hereunder.

d) It is agreed by the both the parties that as the petitioners are the absolute owners of the Schedule-B mentioned property and the 1st Respondent and 5th Respondent are the absolute owner of the Schedule-C mentioned property and they are entitled to obtain separate patta in their favour and to enjoy the same as their absolute property.



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e) Both the parties hereby agrees that the registered sale deed obtained by the said Subramani and Ramayal dated 10.01.2000 is valid and binding on the parties only in respect of the property mentioned in the Schedule-B hereunder.

f) The Parties herein have no claim whatsoever against each other.

g) The Petitioners are entitled to register the compromise decree at their own cost.

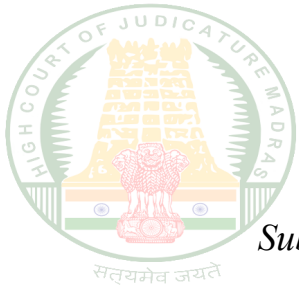
It is therefore prayed that this Hon'ble Court may be pleased to allow the Civil Revision Petition in terms of the above Joint Compromise Memo and the Joint Compromise Memo shall form part of the Order and pass appropriate orders and thus render justice.

SCHEDULE OF PROPERTY

SCHEDULE -A

(TOTAL EXTENT)

All the piece and parcel of the Vacant land measuring to an extent of 4360 sq.ft in Survey No. 248/2 (Old Survey No. 270 A-B) in Malyadipudur Village, Sathyamangalm Taluk, Sathayamangalam



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Sub Registration District, Gobichettipalayam Registration District.

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North By: 20 ft Road,

South By: Sathy-Athani Road,

East By: Plot No. 4

West By: Plot No. 6

SCHEDULE-B

*(HEREAFTER JOINTLY BELONGS TO RUKMANI, SUMITHRA,
PRADEEP, KALIYAMMAL, NATARAJAN)*

*All the piece and parcel of the Vacant land measuring to an
extent of 2180 sq.ft in Survey No. 248/2 (Old Survey No. 270 A-B) in
Malyadipudur Village, Sathyamangalm Taluk, Sathayamangalam
Sub Registration District, Gobichettipalayam Registration District.*

North By: 20 ft Road,

South By: Sathy-Athani Road,

East By: Plot Belongs to KUMARASAMY AND S.VIKRAM

West By: Plot No. 6



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SCHEDULE -C

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(HEREAFTER BELONGS TO KUMARASAMY AND K.VIKRAM)

All the piece and parcel of the Vacant land measuring to an extent of 2180 sq.ft in Survey No. 248/2 (Old Survey No. 270 A-B) in Malyadipudur Village, Sathyamangalm Taluk, Sathayamangalam Sub Registration District, Gobichettipalayam Registration District.

North By: 20 ft Road,

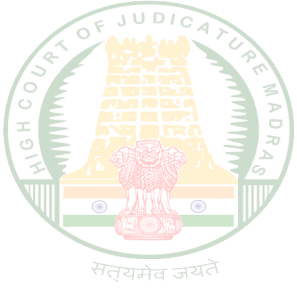
South By: Sathy-Athani Road,

East By: Plot No. 4

West By: Plot Belongs to RUKMANI, SUMITHRA, PRADEEP, KALIYAMMAL, NATARAJAN

Dated at Chennai on this 15th day of April, 2025."

5. Learned counsel appearing for both sides submitted that both the parties undertake to abide by the terms entered into in the Joint Memo of Compromise filed by them. Thereby, they prayed that the revision may be disposed based on the Joint Memo of Compromise.



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6. Having heard the learned counsel appearing for both sides and taking into consideration the Joint Memo of Compromise dated 15.04.2025 filed by both the parties and recording the submissions made by the learned counsels on both sides, this Civil Revision Petition shall stand disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

7. The Joint Memo of Compromise dated 15.04.2025 filed by the parties shall form part of the Court records.

22.04.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
bga

To

The Principal District Judge, Erode.



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A.D.JAGADISH CHANDIRA, J.
bga

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22.04.2025