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SA NO. 91 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-03-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA NO. 91 of 2024

and CMP.No.2307 of 2024

D.Ganesan

S/o. Late. A.D. Bojjiappa Mudaliar, Achariyappan Street, Sorakkaipet (P and T), Pallipet Taluk, Tiruvalluvar Dt 631 208. and 5 Others

Appellant(s)

Vs

D. Balan @ Balakrishnan

S/o. Late. D. Bojjiyappa Mudalair, Achariyappan St, Sorakkaipet (P and T), Pallipet Taluk, Tiruvalluvar Dt 631 208.

Respondent(s)

For Appellant(s):

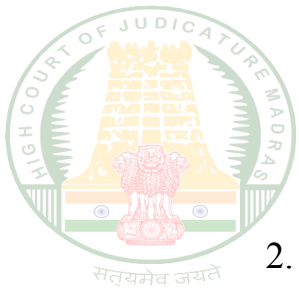
K. Govi Ganesan

For Respondent(s):

Mr.N.Sudharsan
for M/s R. Chithradevi

ORDER

Today, the matter was listed under the caption "for being mentioned",
at the instance of the learned counsel for the appellants.



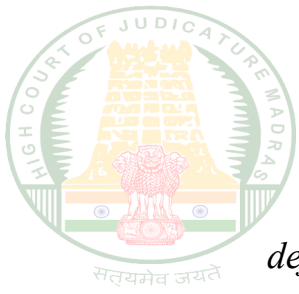
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2. The Registry is directed to substitute the paragraphs No.5 to 10 of the order passed by this Court in S.A.No.91 of 2024, dated 05.02.2025, with the following:

"5. All three parties namely, the 1st and 2nd appellants and sole respondent appeared in person along with their respective counsel. As per the third-party compromise memo, the respondent has now agreed to give 5 Kuzhi of land to each of the 1st and 2nd appellants. This agreement was duly recorded, and the compromise memo was accordingly corrected, which reads as follows:

"1.The parties submit that the 1st and 2nd appellant and respondent are the brothers and other appellants are the legal heir of 1st and 2nd appellants.

2.The parties submit that the respondent has filed a specific performance suit in O.S.No. 45 of 2014 before Hon'ble Subordinate Judge, Tiruttani and the same was ordered that directing the defendants to execute a registered sale deed in respect of one half share of the 1st and 2nd



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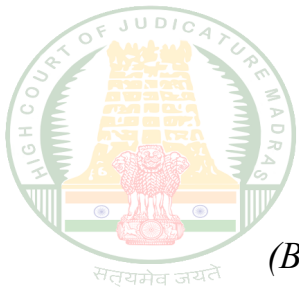
defendant in the suit property on 27.04.2022.

3.The parties submit that the appellants had preferred an appeal before the Hon'ble I Additional District Judge, Tiruvallur in A.S.No. 27 of 2022 against the order passed by the Subordinate Judge in O.S.No. 45 of 2014 that “dismissed the appeal and directing the appellants to execute the sale deed in favour of the respondent within one month time failing which the plaintiff can get the sale deed registered through the trial Court” and passed on 13.12.2022.

4. The parties submit that the parties are compromised in E.P.No. 29/2023 before Sub Judge, Tiruttani with the condition that total extent if 3 acre 99 cents, in which the parties another brother namely Thangamuthu has got 1 acre out of acre 3.99 cents, 1 acre 20 cents was acquired by the Government for bypass road in Thatchur to Chitoor and did not release the award amount till date. The remaining acre 1.69 cents are in possession of the parties.

5. The parties submit that further admitted in EP petition that the parties are share by equally i.e., each 3 kuzhi and now, the parties are ready to share more than that equally i.e., 5 kuzhi to each.

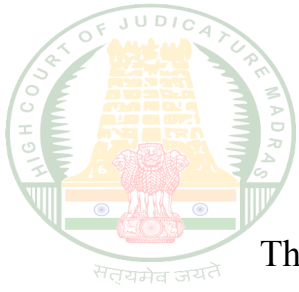
6.The parties 1 and 2 submit that, 1 and 2 parties are admitted to share each 5 kuzhi and also the petitioner prays to release the award amount in favour of the respondent



(Balan @ Balakrishnan) and other parties having no objection for the same."

6. The learned counsel for the appellants pointed out that appellants 3 to 6 were added as legal heirs of 2nd appellant, Eswaran, based on incorrect information provided by their previous counsel, which erroneously stated that he was deceased. However, as of today, the 2nd appellant is alive. Therefore, appellants 3 to 6 are not relevant to the appeal proceedings. Since the dispute has now been resolved through a joint Compromise memo between the plaintiff and the original defendants (appellants 1 & 2), appellants 3 to 6 are no longer necessary to the proceeding.

7. As per the terms of the compromise, the respondent has agreed to give 5 Kuzhi of land to each appellant, along with specified meates and bounds. To implement this arrangement, the respondent requires the original documents.



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Therefore, the trial Court is directed to return the original documents to the respondent / plaintiff within two weeks from the date of receipt of a copy of this order. This will enable the respondent / plaintiff to claim the award passed in the land acquisition proceedings.

8. Accordingly, this Second appeal is disposed of on the basis of the Joint Compromise Memo dated 07.02.2025. The terms of Joint Compromise memo shall form part of the decree. There shall be no order as to costs."

3. Registry is directed to incorporate the above correction in the judgment of this Court in SA.No.91 of 2024 dated 05.02.2025, in paragraph 5 to 10 and issue a fresh order copy to the parties forthwith.

4. In other respects, the order dated 05.02.2025 shall remain unaltered.

07-03-2025



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Note: Issue order copy by 10.03.2025

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T.V.THAMILSELVI, J.

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To

1. The I Additional District Judge, Tiruvallur.
- 2.The Subordinate Judge, Tiruthani.
3. The Section Officer, VR-section, High Court of Madras.

SA NO. 91 of 2024

and

CMP.No.2307 of 2024



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