



S.A.(MD)No.536 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2025

CORAM:

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

S.A.(MD)No.536 of 2020

and

C.M.P(MD)No.5897 of 2020

V.Velsamy

... Appellant

Vs.

Angammal

... Respondent

Prayer: The Second Appeal has been filed under Section 100 of C.P.C, to set aside the Judgment and Decree dated 24.10.2019 passed in A.S.No.25 of 2016, on the file of the Principal Sub Court, Tirunelveli confirming the Judgment and Decree dated 15.04.2016 passed in O.S.No.383 of 2009 on the file of the Principal District Munsif Court, Tirunelveli.

For Petitioner : Mr.J.David Ganesan

For Respondent : Mr.V.Sasi Kumar



S.A.(MD)No.536 of 2020

WEB COPY

JUDGMENT

The appellant/plaintiff has filed a suit in O.S.No.383 of 2009, on the file of the Principal District Munsif Court, Tirunelveli, for permanent injunction restraining the respondent/defendant from evicting the appellant/plaintiff from the suit schedule property. The respondent/defendant made a counter claim seeking recovery of possession of the subject property. The same was allowed and the said suit in O.S.No.389 of 2009 was dismissed by a judgment and decree dated 15.04.2016. Hence, the appellant/plaintiff has filed an appeal suit in A.S.No.25 of 2016, on the file of the Principal Sub Court, Tirunelveli and the same was also dismissed by a judgment and decree dated 24.10.2019.

2. Aggrieved over the same, the appellant/plaintiff preferred the second appeal. During the pendency of the appeal, the parties have entered into a compromise.

3. Today (24.04.2025), when the matter was taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo dated 21.04.2025, which is extracted here under :-



S.A.(MD)No.536 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(APPELLATE JURISDICTION)

S.A. (MD) No.536 of 2020

V.Velsamy,
S/o.(Late) Venkatasala Thevar,
Old Door No.14J1, New Door No.90,
Keezha Street,
Sindhupoonthurai,
Tirunelveli - 627 001. ... Appellant

Vs.

Angammal,
W/o.(Late) Adhilingam,
Door No.31/57, Selvi Nagar,
Sindhupoonthurai,
Tirunelveli - 627 001. ... Respondent

JOINT COMPROMISE MEMO FILED BY APPELLANT AND
THE RESPONDENT

1. It is submitted that the Appellant herein filed a suit in O.S.No.383 of 2009 on the file of the Learned Principal District Munsif Court, Tirunelveli for permanent injunction as against the Respondent herein. The Respondent herein filed written statement and also sought for counter claim to cancel the permission given to the plaintiff and for recovery of possession and handed over the possession to the Defendant.

V. Velsamy

X A. Adhilingam

Respondent

Appellant



WEB COPY



S.A.(MD)No.536 of 2020

3

3

It is therefore prayed that this Hon'ble Court may be pleased to accept this Joint Compromise Memo and to dispose the above Second Appeal in terms of the compromise memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

DESCRIPTION OF SUIT SCHEDULE PROPERTY

A house bearing Door No.New No.90, Old No.14J1, Keezha Street, Sindhupoonthurai, Tirunelveli- 1 (Tirunelveli Corporation Limit).

Dated at Madurai on this the 21st day of April, 2025.

X A. அருங்குடி மனம்

Respondent

V. Bani N

Counsel for Respondent

V-உலகநாதர்

Appellant

S. S.

Counsel for Appellant



S.A.(MD)No.536 of 2020

WEB COPY

4. The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

5. Accordingly, this second appeal is disposed of on the following terms:-

5.1. The compromise memo dated 21.04.2025 is hereby treated as part and parcel of the decree.

5.2. The suit in O.S.No.389 of 2009 on the file of the Principal District Munsif Court, Tirunelveli, filed for permanent injunction restraining the respondent/defendant from evicting the appellant/plaintiff from the suit schedule property is dismissed and Decree in favour of the respondent/defendant in counter claim in O.S.No.389 of 2009 on the file of the Principal District Munsif Court, Tirunelveli, is hereby confirmed on recording statement of appellant that he had already handed over the possession of the subject property to the respondent/defendant vide compromise memo dated 21.04.2025.



S.A.(MD)No.536 of 2020

WEB COPY

5.3. In view of the compromise entered into between the parties during the pendency of the second appeal, the appellant is entitled to refund of the court fee. Registry is directed to refund the court fee;

5.4. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.04.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



WEB COPY



S.A.(MD)No.536 of 2020

K.K. RAMAKRISHNAN, J.

rgm

To

1. The Principal Sub Court, Tirunelveli.
2. The Principal District Munsif Court, Tirunelveli.
3. The Section Officer,
V.R. Section (Records)
Madurai Bench of Madras High Court,
Madurai.

S.A.(MD)No.536 of 2020
and
C.M.P(MD)No.5897 of 2020

24.04.2025