

S.A.(MD)No.664 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Judgment Reserved On	Judgment Pronounced On
28.10.2024	29.04.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A.(MD).No.664 of 2008

Amal

...Appellant

--Vs--

1.Thainees

2.Nevisha

3.The Tahsildar,
Devakottai, Sivagangai District.

4.The District Collector,
Sivagangai.

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree passed in A.S.No.49 of 2006, dated 26.10.2007, on the file of the Subordinate Judge, Devakottai, confirming the Judgement and Decree of the District Munsif Court, Devakottai, dated 09.03.2006, in O.S.No.129 of 2005.

For Appellant : Mr.V.R.Shanmuganathan

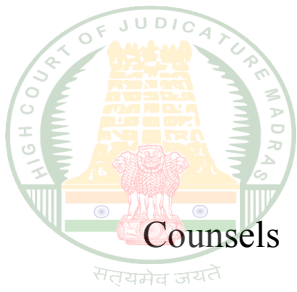
For R1 and R2 : Mr.J.Anand Kumar

For R3 and R4 : Mr.V.Om Prakash

Government Advocate

JUDGMENT

This second appeal was reserved for judgment. Thereafter, it was mentioned by the learned Counsels appearing on both sides that the parties have settled the issues and 1st respondent has filed a memo to this effect. The learned



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Counsels appearing for the appellant and the 1st respondent have affixed their signature in the said memo. The said memo is extracted hereunder:

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Civil Appellate Jurisdiction)**

S.A(MD)No. 664 of 2008

Amal,
S/o.Maria Sebastian, East Street,
Sarugani Village and Post,
Devakottai Taluk, Sivagangai District. ... Petitioner

-VERSUS-

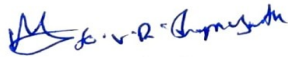
1. Thainees,
S/o. Savarimuthu, East Street,
Sarugani Village and Post, Devakottai Taluk, Sivagangai District.
2. Nivesha,
S/o. Thainees, East Street,
Sarugani Village and Post, Devakottai Taluk, Sivagangai District.
3. The Tahsildhar,
Devakottai Taluk, Sivagangai District.
4. The District Collector, Sivagangai District. ... Respondents

MEMO SUBMITTED ON BEHALF OF THE 1ST RESPONDENT

It is submitted that as per the letter dated 06.03.2025 written by the 1st respondent in the above said second appeal, in order to give a quietus to the dispute between Respondents and the appellant, respondent was ready to give 2 feet for pathway in S.No.75/23 instead of 75/24 at Sarugani Village to the appellant. The said 2 feet runs on the southern side towards east to west.

Therefore, it prayed that this Hon'ble Court may be pleased to record the memo and pass such further orders and thus render justice.

Dated at Madurai on this the 24th day of April 2025.


Counsel for Appellant


Counsel for 1st Respondent

Enclosure:-

1. Letter of the 1st respondent
2. Rough Sketch



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அனுப்புநர்:

தேதி: 06.03.2025

தைனீஸ்,
த/பெ.சுவரிமுத்து,
கிழக்கு தெரு, சருகனி கிராமம்,
தேவகோட்டை தாலுக்கா,
சிவகங்கை.

பெறுநர்:

திரு. J.ஆனந்த்குமார்,
உயர்நீதிமன்ற வழக்கறிஞர்,
B ¼ மேற்கு 1வது குறுக்கு தெரு,
OHT ரோடு,
கே.கே.நகர்,
மதுரை.

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மேற்கண்டள்ள இரண்டாம் மேல் முறையீட்டு வழக்கின்
சமரசமாக நான் சருகனி கிராம புல எண்: 75/23-ன் தென்பகுதியில்
கிழமேலாக 2(இரண்டு) அடிகள் மேல்முறையீட்டுதாரருக்கு
விட்டுக்கொடுக்க சம்மதிக்கிறேன்.

இப்படிக்கு

தங்கள் உண்மையுள்ள

சுமாரிஸ்

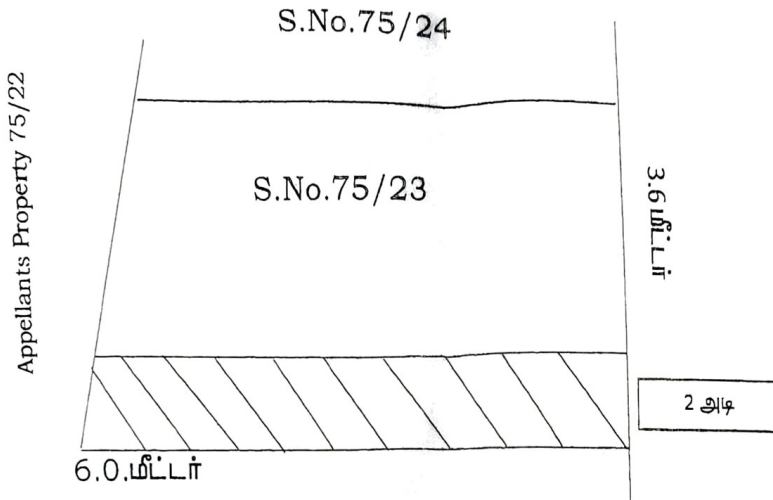
இணைப்பு:

ROUGH SKETCH

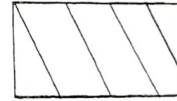


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ROUGH SKETCH



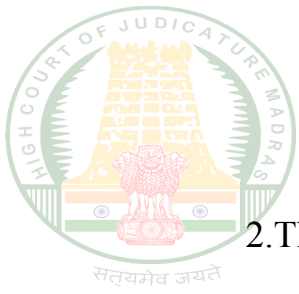
Appellants Property 75/21



பாதைக்காக

விட்டுக்கொடுக்கும் இடம்

S. சாதன்



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2. Therefore, the respondents 1 and 2 are directed to give two feet pathway to the appellant as per the memo. The memo, the letter and the sketch shall form part and parcel of the judgment and decree.

3. Based on the memo filed by the 1st respondent, the second appeal is disposed of. No costs.

29.04.2025

Index : Yes / No

NCC : Yes / No

Tmg

TO:

1. Subordinate Judge, Devakottai.
2. District Munsif Court, Devakottai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
4. The Tahsildar,
Devakottai,
Sivagangai District.
5. The District Collector,
Sivagangai.



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S.SRIMATHY, J.

Tmg

Judgment made in
S.A.(MD).No.664 of 2008

Dated:
29.04.2025