



S.A.(MD).No.523 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

S.A.(MD).No.523 of 2009

1.Lakshmi (Died)

2.Andalammal

3.Seenivasagan

... Appellants/Appellants 2, 3 & 5/

Defendants 2, 3 & 5

4.Ramasamy

5.Gengammal

6.Kasi Rajan

7.Pothiraj

8.Mariyappan

9.Subburaj

... Appellants

(Appellants 4 to 9 are brought on record as legal heirs of the deceased 1st appellant vide Court order dated 11.01.2022 made in C.M.P.(MD).Nos. 11133 to 11135 of 2021 in S.A.(MD).No.523 of 2009)

Vs.

1.Muthammal (Died)

... 1st Respondent/1st Respondent/Plaintiff

2.Raj

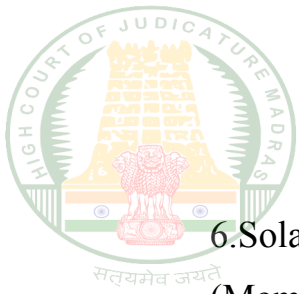
3.Veerachamy Konar

4.Kaliappan Pandithar

5.Alagarsamy

... Respondents 2 to 5/Respondents 2 to 5/

Defendants 6 to 9



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6.Solaiammal (Died)

(Memo filed on 12.07.2024 in USR No.24128, is recorded as R6 died, and R7 to T11 who are already on record, are recorded as legal heirs of the deceased R6 in their capacity as Class – II legal heirs, vide Court order dated 25.07.2024 made in C.M.P(MD).Nos.8032 to 8034 of 2024 in S.A.(MD).No.523 of 2009)

7.Solairaj

8.Subburaj

9.Chellathai

10.Selva Kumar

11.Rajalakshmi

(Respondents 6 to 11 are brought on record as legal heirs of the deceased 1st respondent vide Court order dated 08.08.2024 made in C.M.P(MD).Nos.8032 to 8034 of 2024 in S.A.(MD).No.523 of 2009)

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 17.02.2009 passed in A.S.No.41 of 2007 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur, confirming the Judgment and decree dated 13.09.2006 passed in O.S.No.15 of 2005 on the file of the Subordinate Court, Sivakasi.

For Appellants : Mr.R.Rajamohan

For Respondents : Mr.J.Senthil Kumaraiah for R5
Mr.S.Venkatesh for R7 to R11
R2 & R4 – Exparte
R3 – Died, Memo filed.
R1 & R6 – Died, (Steps taken)



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JUDGMENT

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This second appeal has been filed against the Judgment and Decree dated 17.02.2009 passed in A.S.No.41 of 2007 on the file of the Principal District Judge, Virudhunagar District at Srivilliputhur, confirming the Judgment and decree dated 13.09.2006 passed in O.S.No. 15 of 2005 on the file of the Subordinate Court, Sivakasi.

2.Second and fourth respondents, who is the respondent Nos. 6 and 8 before the trial Court, remained exparte. Their name is also printed in the cause list. They are the purchasers.

3.Pending the second appeal, compromise was reached between the parties namely the appellants and the respondents 5, 7, 8, 9, 10 and 11, who are all present before this Court today along with their respective counsel. 9th appellant appeared through video conference, since he is employed in Army. Screen shot is annexed in the terms of compromise. Terms of compromise has been filed before this Court to that effect.



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4.As per the terms of the compromise, it is agreed by the parties that they will not disturb the purchasers' right and possession. Subject to the right that are available to the purchasers, this compromise is entered between the parties without affecting their right. The terms of compromise is verified. Accepted to be correct.

5.In view of the above said terms of compromise, the judgment and decree of the trial Court, which is confirmed by the appellate Court is modified. The suit is decreed in terms of compromise. The terms of compromise shall be form part of the decree. No costs.

21.03.2025

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Principal District Judge, Virudhunagar District at Srivilliputhur.
- 2.The Subordinate Judge, Sivakasi.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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