



S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013
and
M.P.(MD)No.1 of 2013

S.A.(MD)No.708 of 2012 :

S.Prakash

.. Appellant/Appellant/
2nd Defendant

Vs.

1.Jeyalakshmi

.. 1st Respondent/
1st Respondent/
Plaintiff

2.Shanmugasundaram

.. 2nd Respondent/
2nd Respondent/
1st Defendant

(No relief is claimed
against the 2nd
respondent)

Prayer : Second Appeal is filed under Section 100 of the Code of Civil Procedure against the decree and judgment, dated 05.07.2012, passed in A.S.No.6 of 2010 on the file of the II Additional District Court, Thanjavur confirming the decree and judgment, dated 29.09.2009, passed in O.S.No.66 of 2005 on the file of the Additional Sub Court, Thanjavur.

Page No 1 of 6



S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013

For Appellant : Mr.V.K.Vijayaragavan

For R1 : Mr.K.Saravanan

For R2 : No relief claimed

WEB COPY

S.A.(MD)No.221 of 2013 :

Shanmugasundaram

.. Appellant/Appellant/
1st defendant

Vs.

1.Jeyalakshmi

.. 1st Respondent/
1st Respondent/Plaintiff

2.S.Prakash

.. 2nd Respondent/
2nd Respondent/
2nd Defendant

(No relief is claimed
against the 2nd
respondent)

Prayer : Second Appeal is filed under Section 100 of the Code of Civil Procedure against the decree and judgment, dated 05.07.2012, passed in A.S.No.5 of 2010 on the file of the II Additional District Court, Thanjavur confirming the decree and judgment, dated 29.09.2009, passed in O.S.No.66 of 2005 on the file of the Additional Sub Court, Thanjavur.

For Appellant : Mr.V.K.Vijayaragavan

For R1 : Mr.K.Saravanan

For R2 : No relief claimed



S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013

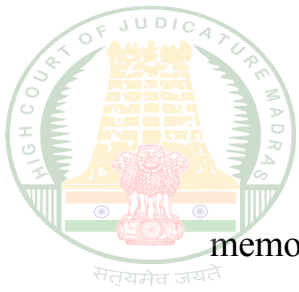
COMMON JUDGMENT

WEB COPY The Second Appeal in S.A.(MD)No.708 of 2012 has been filed to set aside the decree and judgment, dated 05.07.2012, passed in A.S.No.6 of 2010 on the file of the II Additional District Court, Thanjavur confirming the decree and judgment, dated 29.09.2009, passed in O.S.No.66 of 2005 on the file of the Additional Sub Court, Thanjavur.

2. The Second Appeal in S.A.(MD)No.221 of 2013 has been filed to set aside the decree and judgment, dated 05.07.2012, passed in A.S.No.5 of 2010 on the file of the II Additional District Court, Thanjavur confirming the decree and judgment, dated 29.09.2009, passed in O.S.No.66 of 2005 on the file of the Additional Sub Court, Thanjavur.

3. When the matters are taken up for hearing today (24.04.2025), the learned counsel appearing on either side are present, and the plaintiff as well as the 2nd defendant are also present in-person before this Court.

4. The learned counsel appearing on either side submitted that the matter has been settled before the Mediation and the parties have entered a settlement agreement before the Mediator and filed a joint compromise



S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013

memo. Mediation Report, along with joint compromise memo, has also been received by this Court.

5. Both the parties are identified by their respective counsels and their identities are also verified by this Court. As per the joint compromise memo, both the parties have settled their dispute on the following terms :

“ 1. Jayalakshmi and Shanmugasundaram are sister and brother. Prakash is the son of Shanmugasundaram.

2. Suit has been filed for partition by Jayalakshmi against her brother/the appellant in S.A. (MD)No.221 of 2013.

3. Prakash is not claiming any right or title in the suit properties and his appeal may be dismissed.

4. It is agreed that both Shanmugasundaram and Jayalakshmi shall sell all the suit properties and divide the sale proceeds as follows :

- (a) Shanmugasundaram is entitled to 60%.*
- (b) Jayalakshmi is entitled to 40%.*

5. The period fixed by the parties for sale of properties is Four months from today.

6. In case if all the properties could not be sold within the above period, both Shanmugasundaram and Jayalakshmi can extend the period for selling the properties and for dividing the proceeds in the above ratio.



WEB COPY



S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013

7. In case the properties are unable to be sold profitably within the stipulated period, Shanmugasundaram can allot property to his sister to the value of 40% and Jayalakshmi shall allot property to her brother for the value of 60%. In such situation both parties have agreed to execute separate registered release deed to confirm the right and title of other party.

8. Both parties shall consult each other before selling the property(s) and they shall jointly execute sale deed to the purchaser(s).

9. Both parties can suggest gainful purchasers to sell.”

6. The above terms of joint compromise memo were read over and explained to both the parties in the presence of their respective counsels, and both the parties submitted that the same are correct.

7. Hence, these Second Appeals are disposed of by recording the joint compromise memo. The joint compromise memo shall form part of this decree. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

24.04.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No
mkn

Page No 5 of 6



WEB COPY



S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013

P. VADAMALAI, J.

mkn

To

1.The II Additional District Court,
Thanjavur.

2.The Additional Sub Court,
Thanjavur.

S.A.(MD)No.708 of 2012 & S.A.(MD)No.221 of 2013
and
M.P.(MD)No.1 of 2013

24.04.2025