



S.A.(MD)No.14 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.03.2025

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

S.A.(MD)No.14 of 2022

1.Vellathai

Aadhidurai

3.Aadhinarayanan

4.Pethanatchi

5.Minor Milagukani

6.Vijaya Dharshan

... Appellants

*(Appellants 5 & 6 are minors represented through their
mother/4th appellant herein)*

*(appellants 4 to 6 are brought on record as Lrs of the
deceased 2nd appellant vide Court order dated 22.08.2024
made in C.M.P.(MD).No.10150 of 2024 in S.A.(MD).No.14 of 2022)*

Vs

1.Gopalakrishnan

2.Poomani

Sudarsanam (died)

3.Aravind Thangam

4.Brindha

... Respondents



S.A.(MD)No.14 of 2022

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PRAYER: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 29.08.2019, passed in A.S.No.39 of 2015 on the file of the learned Sub Court, Thoothukudi, confirming the judgment and decree dated 02.02.2015, passed in O.S.No.528 of 2010, by the learned Principal District Munsif Court, Thoothukudi.

For Appellant :Mr.S.CHandrasekaran

For Respondents :Mr.V.Shathurthi Raja (for R1 & R2)

Mr.S.Kadarkarai (for R3 & R4)

JUDGMENT

The plaintiffs in O.S.No.528 of 2010 filed this second appeal against the judgment and decree dated 29.08.2019, passed in A.S.No.39 of 2015 on the file of the learned Sub Court, Thoothukudi, confirming the judgment and decree dated 02.02.2015, passed in O.S.No.528 of 2010, by the learned Principal District Munsif Court, Thoothukudi.

2.The plaintiffs filed a suit in O.S.No.528 of 2010, seeking declaration and injunction and the same was dismissed by the learned Principal District Munsif Court, Thoothukudi. Against which, the plaintiffs filed a first appeal in A.S.No.39 of 2015 and the same was also dismissed. Challenging the same, the plaintiffs filed the present second appeal before this Court.



S.A.(MD)No.14 of 2022

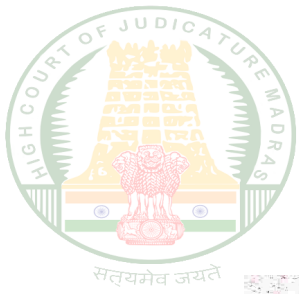
WEB COPY 3. Pending the second appeal, both the parties are ready to compromise the matter between them.

4. Today (07.03.2025), when the matter is taken up for hearing, both counsel on record would submit that they have already filed terms of compromise, which is extracted here under :-

TERMS OF COMPROMISE

We, the appellants and the respondents in the main Second Appeal have jointly arrived an amicable settlement in the presence of Panchayathars and having consented to share the suit property as follows :

1. The suit property in S.No. 447 having an extent of 79 cents described in the suit schedule has now measured by meets and bounds which is comprised of an extent of 59 cents in Sub-Division No. 447/2B out of which the Appellants / Appellants / Plaintiffs along with 1st & 2nd Respondents / 1st & 2nd Respondents / 1st & 2nd Defendants are ready and willing to have an extent of 29 cents '**jointly**' having the following boundaries.



S.A.(MD)No.14 of 2022

3

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North by : Punja land of Sudharsanam now allocated to 3rd & 4th Respondents/LRs of deceased 3rd Respondent/LRs of deceased 3rd Defendant

East by : Punja land of Aravind Thangam

South by : Punja land in S.No. 448

West by : Punja land of Aravind Thangam

within the above boundaries an extent of 29 cents.

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2. The suit property in S.No. 447 having an extent of 79 cents described in the suit schedule has now measured by meets and bounds which is comprised of an extent of 59 cents in Sub-Division No. 447/2B out of which the Respondents No. 3 & 4 / LRs of deceased 3rd Respondent /LRs of deceased 3rd Defendant are ready and willing to have an extent of 30 cents having the following boundaries.

North by : Sudharsanam Punja land

East by : Aravind Thangam Punja land

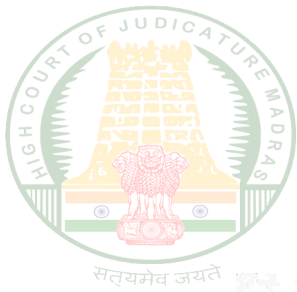
South by : Joint Punja land now allocated to Appellants / Appellants /Plaintiffs and 1st & 2nd Respondents / 1st & 2nd Respondents / 1st & 2nd Defendants

West by : Aravind Thangam Punja land

within the above boundaries an extent of 30 cents.

3. The Appellants / Appellants / Plaintiffs and the 1st & 2nd Respondents / 1st & 2nd Respondents / 1st & 2nd Defendants have ratified the purchase of an extent of 30 cents in the name of the deceased 3rd defendant Sudharsanam under a registered sale deed dated 15.10.2008 at the Office of the Sub-Registrar, Pudukottai bearing Document No. 6140/2008 and now allocated to the 3rd & 4th Respondents / LRs of deceased 3rd Respondent /LRs of deceased 3rd Defendant after the demise of the 3rd defendant.

4. All the parties to the Second Appeal to bear their respective cost of their own.



S.A.(MD)No.14 of 2022

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It is humbly prayed that this Honourable Court may graciously be pleased to pass a 'Compromise Decree' based on the 'Terms of Compromise' and thus render justice.

Dated this the 6th day of March 2025

1. வெலாத்தையார்
(Vellathai)
2. அடீதீனாரயானார்
(Aadhinarayanan)
3. அ. பி. பி. பி. பி. பி.
(Pethanatchi)
For herself and also on behalf of
Minor Children.

Appellants / Appellants / Plaintiffs

Counsel for Appellants

(S.Chandrasekaran)

1. S. Gopalakrishnan
(Gopalakrishnan)
2. P. Poomani
(Poomani)
3. Aravind Thangam
(Aravind Thangam)
4. Brindha
(Brindha)

Respondents/ Respondents / Defendants

Counsel for 1st & 2nd Respondents

(V. S. KATHURATHIRAI)

Counsel for 3rd & 4th Respondents

(S.Kadarkarai)

5.As per the terms of compromise, even though suit scheduled property in S.No.447 having an extent of 79 cents, as on today only 59 cents is available. Among 59 cents, the defendants 1 and 2 in O.S.No.528 of 2010 jointly agreed to receive 29 cents. The remaining parties jointly agreed to receive 30 cents of the suit schduded property. All the parties are present before this Court and their identity has also been verified and



S.A.(MD)No.14 of 2022

they are also affirmed the statement made in the terms of compromise.

The terms of compromise filed by both the parties is recorded.

6. Accordingly, this second appeal stands disposed of in terms of the compromise dated 06.03.2025. The terms of compromise shall form part and parcel of this order. Registry is directed to prepare the decree in terms of compromise. There shall be no order as to costs.

07.03.2025

vsg

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note: Issue Order Copy on 28.03.2025.

To

1. The Sub Court,
Thoothukudi.

2. The Principal District Munsif Court,
Thoothukudi.

3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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S.A.(MD)No.14 of 2022

K.K.RAMAKRISHNAN, J.

vsg

S.A.(MD)No.14 of 2022

07.03.2025