

SA(MD)No.33 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **29.07.2025**

CORAM :

THE HONOURABLE **MR. JUSTICE G.ARUL MURUGAN**

S.A.(MD)No.33 of 2018

M.Sivamani

... Appellant

Vs

1.P.Nallammal

2.Santhanavalli

3.Chitra

4.Sasikala

5.Thamarai Selvi

Malar (died)

6.Vembu

7.Ramaiyan

... Respondents

PRAYER: This Second Appeal is filed under Section 100 C.P.C., to allow the second appeal by setting aside the judgment and decree passed in AS No.36 of 2012 on the file of the I Additional District Judge (PCR), dated 16.04.2015 and reversing the judgment and decree passed in OS No.46 of 2008 on the file of the Additional Subordinate Judge, Thanjavur dated 12.04.2012.



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For Appellant : Mr.V.Chandrasekar

For Respondents : Mr.P.Vadivel (R1 to R5)

No appearance (R6 & R7)

ORDER

The third defendant is the appellant. This second appeal is filed challenging the judgment and decree dated 16.04.2015 passed in AS No. 36 of 2012 on the file of the I Additional District Judge, Thanjavur, reversing the judgment and decree dated 12.04.2012 in OS No.46 of 2008 on the file of the Additional Subordinate Judge, Thanjavur.

2. The suit filed by the respondents 1 to 5 herein seeking for declaration of title of the suit property and for consequential declaration of the sale deed dated 23.01.2008 executed by the defendants 1 and 2 in favour of the third defendant as null and void, came to be partly decreed by granting 1/3rd share in favour of the plaintiffs / respondents 1 to 5 herein. The plaintiffs / respondents 1 to 5 herein had filed an appeal and in the appeal, the lower appellate Court reversed the judgment and decree of the trial Court and allowed the appeal thereby decreeing the suit in

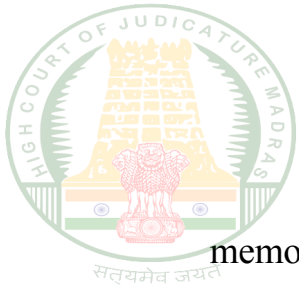


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entirety. Assailing the reversal finding, the third defendant, who is the purchaser of the suit property had preferred the above second appeal.

3. Pending appeal, the parties have amicably sorted out the issues and in pursuant to the compromise entered into between them, the plaintiffs / respondents 1 to 5 herein had agreed that the appellant will be entitled to the extent of 1234 sq.feet out of the suit property and the respondents 1 to 5 / plaintiffs will be entitled to the balance extent of the suit property.

4. This appeal was posted for recording settlement on 24.07.2025. The respondents 1 to 5 herein / plaintiffs were present before this Court on that day and they have submitted a compromise memo dated 24.07.2025 signed by them along with their counsel and also the memo was signed by the counsel for the appellant. However, on 24.07.2025, since the appellant was not able to be present before this Court, the presence of the respondents 1 to 5 and the filing of the compromise memo was recorded and the appeal was listed today. Today, the appellant is present before this Court and he, by signing the compromise



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memo dated 24.07.2025, confirmed the compromise entered into between the parties.

4. In view of the compromise entered into between the parties and the same having been recorded by the compromise memo dated 24.07.2025, this second appeal stands disposed of, in terms of the compromise memo dated 24.07.2025. The compromise memo dated 24.07.2025 along with the sketch therein shall form part of the decree.
No costs.

29.07.2025

NCC :Yes/No
Index :Yes/No
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TO:-

1. The I Additional District Judge (PCR), Thanjavur.
2. The Additional Subordinate Judge, Thanjavur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ARUL MURUGAN, J.

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Order made in
S.A.(MD)No.33 of 2018

Dated:
29.07.2025