



A.S.(MD)No.72 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Judgment Reserved On	Judgment Pronounced On
09.12.2024	10.10.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

A.S.(MD)No.72 of 2018

Shanmugaraj

...Appellant

--Vs--

G.Lakshmi

...Respondent

PRAYER: Appeal Suit filed under Section 96 of Civil Procedure Code, 1908, against the Judgment and Decree in O.S.No.82 of 2014, dated 03.11.2017, on the file of the Principal District Court, Tirunelveli.

For Appellant : Mr.T.Selvam

For Respondent : Mr.S.Kumar

JUDGMENT

The present appeal suit is filed by the defendant in the suit against the judgment and decree made in O.S.No.82 of 2014, dated 03.11.2017, on the file of the Principal District Court, Tirunelveli.



A.S.(MD)No. 72 of 2018

2.The plaintiff in the suit is the respondent herein and the defendant in the suit is the appellant herein. For the sake of convenience, the parties are referred as plaintiff and defendant as per the ranking in the original suit.

3.The suit is filed for partition to divide half share each between the plaintiff and the defendant. The suit was decreed. Aggrieved over the same, the defendant has preferred the appeal.

4.Pending appeal, the parties have entered into compromise and a joint compromise is filed by both the parties. Even though the suit is filed by the power agent, but the Principal had appeared before this Court. Further it is seen that the power agent is the wife of the defendant. Today, ie., on 10.10.2025, the defendant himself namely Shanmugaraj appeared before this Court. The plaintiff / respondent is also present before this Court. This Court verified the parties through Aadhar card. Therefore, this Court is accepting the joint compromise memo. The sketch is produced for the division of properties. The said joint compromise memo and the sketch are extracted hereunder:



WEB COPY



A.S.(MD)No.72 of 2018

IN THE COURT OF THE JUDICATURE AT MADRAS
MADURAI BENCH
A.S. (MD), NO. 72/2018
Against
O.S. No. 82 / 2014
(On the file of the Principal District Judge, Tirunelveli)

Shanmugaraj
Represented through his
power agent Pitchammal

- Appellant / Defendant

G Lakshmi

vs

- Respondent / Plaintiff

Joint Compromise memo

The First Appeal in A.S (MD).No 72/2018 before this Honourable court was preferred by the original defendant as Appellant is against the judgement and decree dated 03-11-2017 passed in O.S. No. 82/2014 on the file of the Principal District Judge, Tirunelveli. By considering the advice of elders of both parties the relationship between the parties. (Brother and Sister)

The plaintiff First schedule property the appellant / defendant nature of issue and relief sought for in the original suit and also considering the long pendency of litigation, subsequent development and inorder to resolve the dispute and to purchase peace, compromise talks were initiated and without any coercion, compulsion but with complete free - will whole heartedly the parties to this litigation arrived at a settlement and entered into the compromise on the following terms :

1. In the plaintiff 1st schedule property entirely allotted to respondent / plaintiff (shown in Blue colour of the Sketch)
2. In the plaintiff 2nd schedule property door No. 9/5A and 9-3/5B (Shown in Red colour of the sketch) allotted to Appellant / Defendant.
3. The plaintiff 2nd schedule property in D.No. 9-3/5C and 9-3/5G, Store Room, Toilet (Shown in Blue colour of the sketch) having total extent 1.33 Cents allotted to the Respondent / Plaintiff.

Shanmugaraj

G Lakshmi



A.S.(MD)No.72 of 2018

WEB COPY

4. The entire 3rd schedule is allotted to Appellant / Defendant.

5. The Appellant / Defendant is having right of pathway alone access to his house bearing D.No.:9-3/5B through pathway described as ABCDEF in Rough Sketch.

It is agreed that in view of above said terms of compromise. Both parties are willing to settle the issue and sketch (For 1st and 2nd schedule of plaint schedule property) shall be treated a part and Parcel of this compromise Memo.

It is therefore prayed that this Honourable Court may be pleased to pass a final decree by recording the compromise memo and thus render justice.

Appellant

G. Lakshmi
Respondent

Advocate for Appellant

Advocate for Respondent

Madurai
07.10.25



WEB COPY

The floor plan shows a property with the following details:

- Kovil:** Located at the top left, containing two small rooms labeled "Total" and a larger room labeled "STOREROOM".
- Pathway 4'0"**: A narrow passage between the Kovil area and the main building.
- Main Building (Left Side):**
 - Room A:** D.No. 9-3/58, EB SER.NO-051-018-876.
 - Room B:** D.No. 9-3/50, EB SER.NO-051-018-876.
 - Room C:** D.No. 9-3/5F, EB SER.NO-051-018-888, 197.09 Sq.m, 4.65 Cents.
- Staircase:** Located between Room C and Room D, indicated by a set of parallel lines.
- Room D:** D.No. 9-3/5F, EB SER.NO-051-018-888, 197.09 Sq.m, 4.65 Cents.
- Well:** A yellow-shaded rectangular area labeled "WELL" with dimensions 6'-2" x 4'-0".
- Open Area:** A large rectangular area at the bottom right labeled "Open".
- Dimensions:**
 - Overall width: 15.00 M.
 - Overall height: 15.00 M.
 - Room A: 7'-3" x 7'-3".
 - Room B: 7'-3" x 7'-3".
 - Room C: 7'-3" x 7'-3".
 - Room D: 7'-3" x 7'-3".
 - Well: 6'-2" x 4'-0".
 - Open Area: 9'-7" x 9'-7".
- Labels:** "Ramasubbu Nader's House" is written at the bottom left, and "Kovil" is written at the top left.

AVANI MOOLA VINAYAGAR KOVIL STREET

Day.

G. L. Atkins



A.S.(MD)No. 72 of 2018

5. Thus, the appeal suit is disposed of based on the joint compromise memo and the decree shall be drafted as per the joint compromise memo. The joint compromise memo and the sketch shall form part and parcel of the judgment and decree.

6. Therefore, the appeal suit is disposed of based on the joint compromise memo. No costs.

10.10.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Tmg

To

1. Principal District Court,
Tirunelveli.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



A.S.(MD)No.72 of 2018

S.SRIMATHY, J.,

Tmg

Judgment made in

A.S.(MD)No.72 of 2018

10.10.2025