



S.A.(MD).No.589 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

S.A.(MD).No.589 of 2014
and M.P.(MD).No.1 of 2014

1.Parameswari Nadachy (Died)
2.S.Narayanan ... Appellants/Respondents 1 & 2/
Defendants 1 & 2

3.Maheswari
4.Vijayalakshmi
5.Geetha ... Appellants

(Appellants 3 to 5 are brought on record as LRs of the deceased 1st Appellant vide Court Order, dated 12.09.2023 made in C.M.P.(MD).No. 9547 of 2023 in S.A.(MD).No.589 of 2014)
Vs.

S.Harikrishnan ... Respondent/Appellant/Plaintiff

PRAYER : Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree, dated 18.03.2014 made in A.S.No.23 of 2006 on the file of the District Court, Kanniyakumari District at Nagercoil reversing the Judgment and Decree dated 08.02.2006 made in O.S.No.196 of 2003 on the file of Subordinate Court, Padmanabhapuram.

For Appellants : Mr.R.Russel Raj for A2

For Respondent : Mr.J.John Jayakumar



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JUDGMENT

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This second appeal has been filed against the Judgment and Decree, dated 18.03.2014 made in A.S.No.23 of 2006 on the file of the District Court, Kanniyakumari District at Nagercoil reversing the Judgment and Decree dated 08.02.2006 made in O.S.No.196 of 2003 on the file of Subordinate Court, Padmanabhapuram.

2.The respondent herein as plaintiff has filed a suit in O.S.No.196 of 2003 on the file of Subordinate Court, Padmanabhapuram, seeking the relief of declaration, partition, separate possession and permanent injunction. The above said suit was dismissed by the trial Court by the Judgment dated 08.02.2006. Against which the plaintiff filed the appeal suit before the District Court, Kanniyakumari District at Nagercoil, in A.S.No.23 of 2006. By the Judgment dated 18.03.2014, the first appellate Court reversed the findings of the trial Court and decreed the suit as prayed by the plaintiff/respondent. Aggrieved over the same, the defendants have come forward with this second appeal before this Court.

3.Pending second appeal first appellant/first defendant reported to be dead and her legal heirs were impleaded as appellants 3 to 5. Thereafter, it is stated the matter has been settled between the parties.



MEMO FOR COMPROMISE

1. The Appellants and the respondent fully agreed to compromise the Second Appeal.
2. The suit property consists of 35.830 cents of land comprised in Re-Survey No.184/7 of Mondaicadu Village (formerly in Manavalakurichy Village). It is divided into five plots, which are shown in a plan produced along with his memo.
3. The Plot No.5 as shown in the plan is set apart for using as a common pathway by the 2nd Appellant and the Respondent. The Plot No.1 and 3 as shown in the plan are allotted to the Respondent. The Plot Nos.2 and 4 as shown in the plan are allotted to the 2nd Appellant.
4. No properties are allotted to the Appellants 3 to 5. The Appellants 3 to 5 have not made claim over the suit property.

Appellants. 2. S. NARAYANAN 3. S. JOSEPH -
4. S. SIVAKUMAR 5. S. Greetha

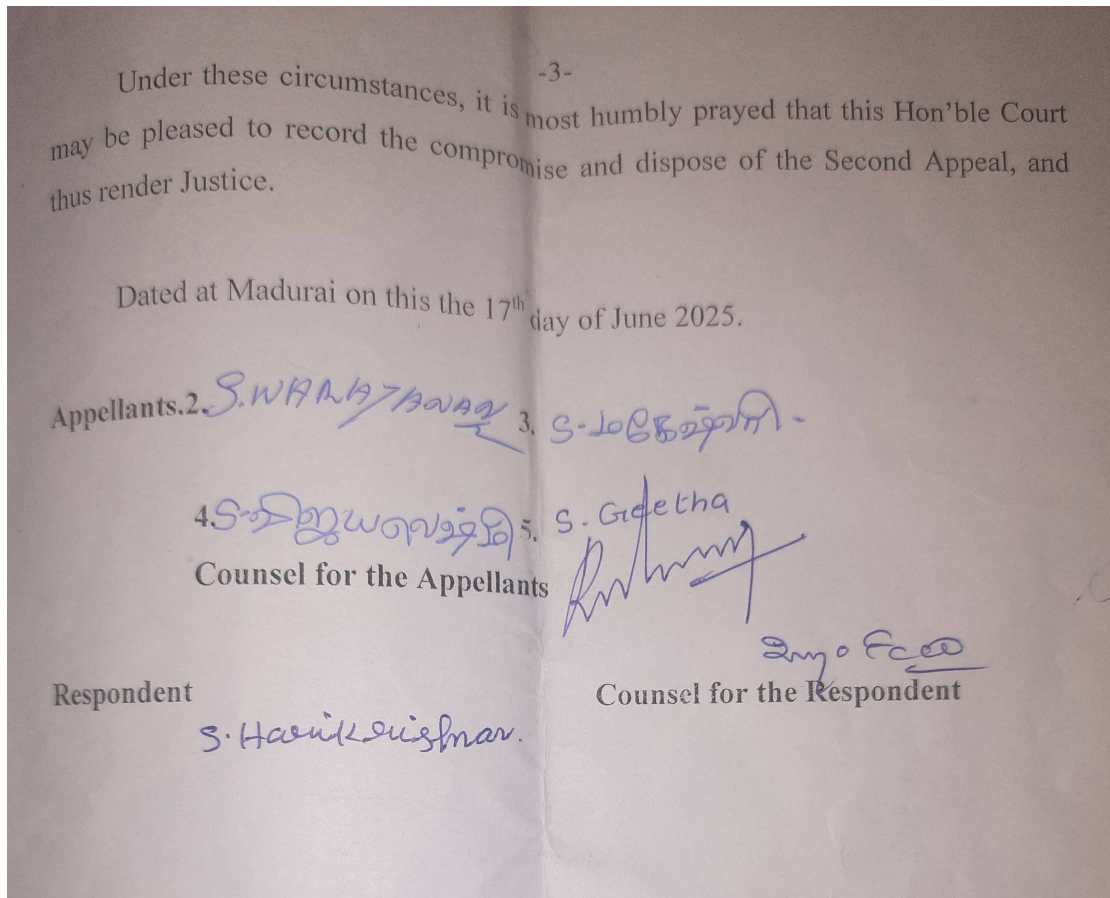
Respondent
S. HANUKUMARAN



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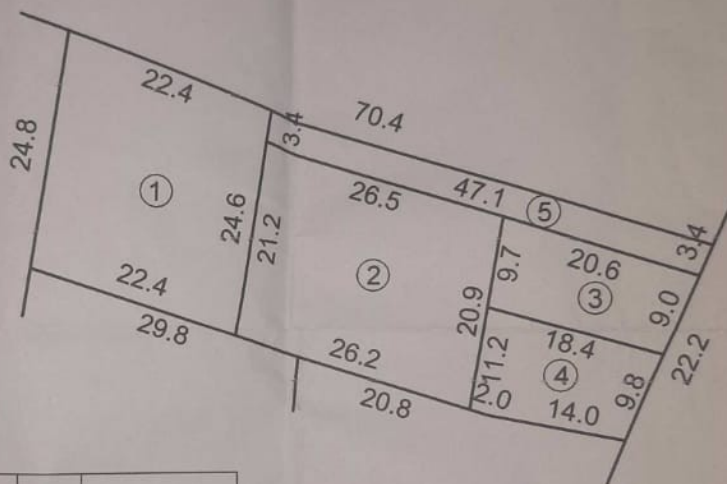
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District : Kanniyakumari
Taluk : Kalkulam
Village : Mandaikadu [R]

Survey No : 184 / 7
Area : 35.830 Cents
Scale : 1 : 600



Re Sy No	Plot No		
		Cents	Sq links
184 / 7	1	12	150
184 / 7	2	12	150
184 / 7	3	4	000
184 / 7	4	4	000
184 / 7	5	3	530
Total		35	830

Plan Prepared by

Appollan's 2 S-NARAYANAN

3. 5-10 மீட்டர்கள் -

45- அனுபவங்கள்

S. S. Greetha

Counsel for the Appellants,

Respondent: S. Haukenruehm.

Counsel for the
Respondent.



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5. Recording the above said compromise memo, this second appeal shall stand disposed of. The decree and judgment passed by the learned Principal District Court, Kanniyakumari District at Nagercoil is hereby set aside. The suit in O.S.No.196 of 2003 on the file of the Subordinate Judge, Padmanabhapuram, is decreed as per the terms of compromise. The compromise memo shall form part of the order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.06.2025

Index : Yes / No
Internet : Yes / No
TM

To

1. The District Judge, Kanniyakumari District at Nagercoil.
2. The Subordinate Judge, Padmanabhapuram.
3. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J.

TM

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