



S.A.(MD)No.211 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2025

CORAM:

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

S.A.(MD)No.211 of 2018

and

W.P(MD)No.17248 of 2020

and

W.M.P.(MD)Nos.14436 and 14437 of 2020

S.A.(MD)No.211 of 2018

1. Raaviath
2. Mohammed Anibha (Died)
3. Thangarani
4. Jalal Mohammed
5. Mohammed Yusuf
6. Samarathu Nisha
7. Rasmina Begum
8. Taslima

... Appellants

(A3 to A8 are brought on record as Lrs of the deceased 2nd Appellant vide court order dated 14.02.2025 made in CMP(MD)No.12014 of 2022 in SA(MD)No.211 of 2018 by KKRKJ).

Vs.

1. Abdul Rahim
2. Abulhasan
3. Asanammal

... Respondents

(R3 is set exparte before the trial court and no relief is sought against R3 in the present Second Appeal, therefore notice may be dispensed with to her)



S.A.(MD)No.211 of 2018

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Prayer: The Second Appeal has been filed under Section 100 of C.P.C, to set aside the Judgment and Decree dated 22.03.2018 passed in A.S.No. 47 of 2017 on the file of Sub-Court, Muthukulathur, confirming the judgment and decree dated 05.10.2015 made in O.S.No.75 of 2008 on the file of District Munsif Court, Murthukulathur, in so far as against the present Appellants are concerned and in so far as in favour of 4th defendant, and to dismiss the suit with costs.

For Appellants : Mr.V.George Raja
for M/s.Ajmal Associates

R1 : Died
For R2 : Mr.S.Srinivasa Raghavan
For R3 : Ex-parte

W.P.No.17248 of 2020

A.Mohamed Hanifa

... Petitioner

vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Zonal Deputy Thasildar,
O/o. the Zonal Deputy Thasildar,
Kadaladi,
Ramanathapuram District.
4. Abul Hasan

... Respondents



S.A.(MD)No.211 of 2018

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings in T.R:2019/0103/27/059203TR dated 22.06.2019 and quash the same as illegal.

For Petitioner : Mr.V.George Raja
for M/s.Ajmal Associates

For R1 to R3 : Mr.M.Muthumanikkam
Government Advocate

For R4 : Mr.S.Srinivasa Raghavan

ORDER

By this common order S.A(MD)No.211 of 2018 and W.P.(MD)No. 17248 of 2020 are being disposed of.

2. The 1st respondent viz., the plaintiff has filed original suit in O.S.No.75 of 2008, on the file of the District Munsif Court, Muthukulathur. The trial Court after considering the submissions has passed a judgment and decree in O.S.No.75 of 2008 dated 05.10.2015 . Aggrieved over the same, the appellants viz., the defendants 1 and 2 have filed an appeal suit in A.S.No.47 of 2017. The same was dismissed by the trial Court vide judgment and decree dated 22.03.2018. Aggrieved over the same, this second appeal has been filed.



S.A.(MD)No.211 of 2018

WEB COPY

3. Pending this second appeal, both the parties have entered into a joint compromise memo.

4. Today when the matter is taken up for hearing, both the parties appeared before this Court except appellant no.1, since he is aged about 80 years old and is bedridden. However, the representatives of the appellant no.1 are present before this Court. Both the parties identity was affirmed by the counsel on record and this Court also verified their identity through the Aadhar Card.

5. The terms of the joint compromise memo dated 28.04.2025 reads as under:-

JOINT COMPROMISE MEMO ON BEHALF OF BOTH THE PARTIES (APPELLANTS AND RESPONDENTS 2 & 8)

In view of the close relationship between the parties and to give a complete quietus to the litigation, the Appellant and Respondents 2 & 3, compromise the above said Second Appeal and the terms of the compromise are given below:-

The above Second Appeal in S.A.(MD)No.211 of 2018 on the file of this Hon'ble Court has been filed by the Appellants against the Judgment and Decree dated 22.03.2018 made in A.S.No.47 of



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2017 on the file of Sub-Court, Muthukulathur, confirming the judgment and decree dated 05.10.2015 made in O.S.No.75 of 2008 on the file of District Munsif Court, Muthukulathur, in so far as against the present Appellants are concerned. The present Second Appeal is filed only in respect of 2nd item of the suit property is concerned.

No reliefs sought against 1st Respondent and hence 1st Respondent may be exonerated in the second Appeal.

TERMS OF COMPROMISE

- 1) In view of compromise entered between the parties, 2nd item of the suit property has been divided into 2 shares as western portion 1 Acre – 80 cents and eastern portion 1 Acre 20 cents.
- 2) Appellants 1 & 3 to 8 and Respondents 2 & 3 agreed that Western portion 1 Acre 80 cents will go to the share of 2nd Respondent. Eastern portion 1 Acre 20 cents will go to the share of Appellants 1 & 3 to 8 and 3rd Respondent.
- 3) 2nd Respondent agreed that he will not claim any rights or title or possession in the eastern portion of the suit property to an extent of 1 Acre 20 cents and agreed that he will not interfere with possession and enjoyment of the Appellants 1 & 3 to 8 and 3rd respondent in the said eastern portion 1 Acre 20 cents.
- 4) Similarly, Appellants 1 & 3 to 8 and 3rd Respondent agreed that they will not claim any rights or title or possession in the western portion of the suit property to an extent of 1 Acre 80 cents and agreed that they will not interfere with possession and enjoyment of the 2nd Respondent in the said western portion 1 Acre 80 Cents.



- 5) *Appellants 1 & 3 to 8 and 3rd Respondent agreed to lay the 12 feet width east-west common pathway in the eastern portion 1 Acre 20 cents to access the 2nd Respondent's western portion 1 Acre 80 cents and Appellants 1 & 3 to 8 and 3rd Respondents' share also. 2nd Respondent also agreed that Appellants 1 & 3 to 8 and 3rd Respondent also having the rights to use the said common pathway. Both Appellants and Respondents will not claim any independent title or right over the said common pathway.*
- 6) *2nd Respondent is not having objection to sub-divide the suit properties as stated above and mutate revenue records such as patta and kist receipts in the name of Appellants 1 & 3 to 8 and 3rd Respondent in respect of eastern portion of 2nd item of suit properties to an extent of 1 Acre 20 cents after deducting the area of common pathway. Further, 2nd Respondent is not having objection for allowing the writ petition in W.P(MD)No.17248 of 2020 in respect of eastern portion 1 Acre 20 cents are concerned after deducting common pathway.*
- 7) *If any portion of the 2nd item of the suit properties sold out by 2nd Appellant during his life time, especially during pendency of present suit, Appellants 1, 3 to 8 and 3rd Respondent agreed that they will liable for the said vendees and no liabilities against 2nd Respondent. Subsequent purchaser from D-3 during dated suit vide sale deed dated (1) 554/2013 27.06.2013 (2) 555/2013 27.06.2013 (3) 308/2014 12.05.2014 (4) 309/2014 12.05.2014 (5) 310/2014 12.05.2014 (6) 311/2014 12.05.2014 would't have any right over western 1 Acres 80 cents.*
- 8) *The parties have to bear their respective costs.*

In view of the above compromise, Second Appeal may be partly allowed in terms of compromise memo.



S.A.(MD)No.211 of 2018

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6. The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

7. Accordingly, both the cases are being disposed of on the following terms:-

7.1. The second appeal in S.A.(MD)No.211 of 2018 stands disposed of in terms of the joint compromise memo dated 28.04.2025. Accordingly, writ petition in W.P.(MD)No.17248 of 2020 stands disposed of.

7.2. Registry is directed to keep the joint compromise memo as part and parcel of this order.

7.3. No costs. Consequently, connected miscellaneous petitions are closed.

28.04.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
rgm



S.A.(MD)No.211 of 2018

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- To
1. The District Munsif Court, Murthukulathur
 2. The Sub-Court, Murthukulathur
 3. The Section Officer
V.R. Section (Records)
Madurai Bench of Madras High Court,
Madurai.
 4. The District Collector,
Ramanathapuram,
Ramanathapuram District.
 5. The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.
 6. The Zonal Deputy Thasildar,
Office of the Zonal Deputy Thasildar,
Kadaladi,
Ramanathapuram District.



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S.A.(MD)No.211 of 2018

K.K. RAMAKRISHNAN, J.

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