



S.A.(MD)No.424 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.07.2025

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

S.A.(MD)No.424 of 2018
and
C.M.P(MD)No.12223 of 2018

Tamil Raj (died)

2.Johnncy Ponmalar
3.Nigil
4.Femil

(AA2 to 4 are brought on record as LR's of the deceased
sole appellant vide court order dated 23.01.2024
made in CMP(MD)Nos.13203, 13204 & 13205 of 2023)

... Appellants

-vs-

1.D.Tagore
2.D.Thomas
3.A.Subramonian
4.A.Ponnammal
5.A.Venkataraman
6.M.Swarnalatha
7.M.Sita Lakshmi
8.M.Annatharaman
9.M.Sivaraman
10.M.Raguraman

..Respondents

PRAYER: Second Appeal filed under Section 100 Code of Civil Procedure, against the judgment and decree dated 31.07.2017 made in A.S.No.62 of 2010 on the file of the District Court, Kanniyakumari at Nagarcoil confirming the judgment and decree dated 07.08.2014 made in O.S.No.175 of 2011 on the file of the II Additional Sub Judge, Nagarcoil.



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For Appellants

... Mr.S.Rajasekar

For Respondents

... Mr.G.Aravinthan (RR1 and 2)

No appearance (for RR4 to 6)

JUDGMENT

The 8th defendant is before this court on appeal. Pending appeal, he died, and the appellants 2 to 4 were brought on record as his legal heirs.

2. The second appeal is filed assailing the judgment and decree dated 31.07.2017 in A.S.No.62 of 2014 on the file of the District Court, Kanniyakumari at Nagercoil, confirming the judgment and decree dated 07.08.2014 in O.S.No.175 of 2011 on the file of the II Additional Subordinate Court, Nagarcoil.

3. The suit was originally filed by the respondents 1 and 2 seeking permanent injunction from evicting them from the suit property except by due process of law. The suit came to be decreed, and the appeal filed by the deceased appellant came to be dismissed. Against which, he filed the above second appeal.



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4. Pending the second appeal, the parties entered into a compromise and have resolved the dispute among themselves, and the impleaded appellants 2 to 4, who are the legal heirs of the first appellant, had executed a sale deed in favour of the second respondent through the sale deed dated 28.05.2025, whereby the suit property was conveyed in favour of the second respondent. As such, the second respondent has become the owner of the suit property. Since the above sale happened through a compromise entered into between the parties, the parties entered into a memo of compromise dated 14.07.2025. The memo signed by the third appellant, who is the power holder of the other appellants, and the second respondent along with their respective counsel has been filed before this court. The other respondents are unnecessary parties.

5. In view of the fact that the dispute has been amicably settled, the Second Appeal is disposed of in terms of the joint compromise memo dated 14.07.2025. The compromise memo shall form part of the decree. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

14.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn

To:

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- 1.The District Judge, Kanniyakumari at Nagercoil.
- 2.The II Additional Subordinate Court, Nagarcoil.
- 3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ARUL MURUGAN, J.

skn

Judgment made in

S.A.(MD)No.424 of 2018

and

C.M.P(MD)No.12223 of 2018

14.07.2025