



A.S(MD)No.139 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**A.S(MD)No.139 of 2023
and
C.M.P(MD)No.7835 of 2023**

1.R.Joseph Thangaraj @ R.Thangavelu
2.L.Mary Flarance

... Appellants/Defendants

Vs

1.L.Rajalakshmi
2.L.Jophrin Mrasha
3.L.Heloys Nethra

... Respondents/Plaintiffs

Prayer:

This Appeal Suit is filed under Section 96 of CPC, to set aside the Judgment and Decree dated 20.11.2021 passed in O.S.No.349 of 2020 on the file of the Court of Fast Track Mahila Judge, Dindigul.

For Appellants : Mr.M.ARjun Varman

For Respondents : Mr.G.Karthik



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JUDGMENT

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[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The Appeal Suit is filed as against the Judgment and Decree dated 20.11.2021 passed in O.S.No.349 of 2020 on the file of the Court of Fast Track Mahila Judge, Dindigul.

2.*Ex-parte* decree of partition was granted. The parties are Christian and governed by the Indian Succession Act. As against the *ex-parte* decree, the appeal has been preferred. Pending the appeal, the parties have arrived at a compromise during the mediation.

3.A Joint Memo of Compromise has been filed before this Court which have been signed by the appellants and the respondents and also by their respective counsel. The appellants and the respondents are present in person before this Court and they were duly identified by their respective counsel and their Aadhaar cards have also been enclosed. Both the parties represented that the suit, item Nos.1 and 2 of the properties were already sold and the same is not available for partition. Item No. 3, though it is described as an RCC house, there



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are three houses in patta No.3809. It is admitted by both parties that only two houses are in existence. Hence, the schedule of the property, wherein it is mentioned as three houses, is factually wrong. It is only two houses. Both houses are now allotted to the share of minors, namely, the plaintiffs 2 and 3. The first respondent has also filed an undertaking affidavit to that effect.

4.In view of the above, the Appeal Suit is partly allowed and the Judgment and Decree passed by the learned Mahila Judge, Fast Track Court, Dindigul in O.S.No.349 of 2020, dated 20.11.2021, stands modified in respect of item No.3 alone and also dismissed in respect of Item Nos.1 and 2. No costs. The Joint Memo of Compromise shall form part and parcel of this Judgment. Consequently, connected miscellaneous is closed.

[T.K.R., J.] [N.S., J.]
09.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Court of Fast Track Mahila Judge, Dindigul.



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RMT.TEEKAA RAMAN, J.
and
N.SENTHILKUMAR, J.

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2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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09.01.2025