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A.S.Nos.163 and 165 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

A.S.Nos.163 and 165 of 2022

& C.M.P.Nos.5871, 5875, 9433 and 9434 of 2022

1. Mrs.Suhitha Bhagwan (died)

2. Mr.Amit Bhagwan

3. Mr.Ajith Bhagwan

... Appellants
in both appeals

vs.

1. Mr.R.M.Ratanlal (Died)

2. Renu Mahbubani

3. Mrs.Karishma Mahbubani

4. Lavina Mahbubani

... Respondents
in both appeals

[Sole Respondent died. R2 to R4 are brought on record as LRS of deceased sole respondent vide court order dated 27.04.2026 made in C.M.P.No.10515]



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of 2026 in A.S.No.165 of 2022]

[First respondent died. Respondents 2 and 3 are already on record as per memo dated 11.06.2026]

Prayer in A.S.No.163 of 2022: Appeal filed under Section 96 of CPC read with Order XLI Rules 1 and 2 of CPC against the judgment and decree dated 31.10.2019 made in O.S.No.3319 of 2019 on the file of XVIII Additional City Civil Court at Chennai.

Prayer in A.S.No.165 of 2022: Appeal filed under Section 96 of CPC read with Order XLI Rules 1 and 2 of CPC to set aside the judgment and decree dated 31.10.2019 made in counter claim in O.S.No.3319 of 2019 (C.S.No.434 of 2004) on the file of XVIII Additional City Civil Court at Chennai.

For Appellants : Mr.Thomas T Jacob

For Respondents : R1 - Died
Mr.P.Seshadri for R2 to R4

JUDGMENT

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

The appellants and the respondents are close relatives. The suit in O.S.No.3319 of 2019 had been filed seeking recovery of possession of the first floor portion of the suit schedule property. The suit had been decreed.



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The Defendants 2 to 4 have filed the above appeals. Pending appeals, they had also deposited the monthly rental income received to the credit of the suit. The first appellant died. A memo has now been filed to record the death of the first appellant and also to recognize that second and third appellants are already on record as her legal representatives. The first respondent also died and her legal heirs have already been brought on record. 2. Exercising much prudence, the parties have taken a conscious decision to enter into a compromise by which the appellants have vacated the premises and have handed over the keys of the premises in the Court to the respondents herein, who also received the same. The parties have also reduced in writing the terms of compromise into Memorandum of Joint Compromise, which has been signed by the two appellants, three respondents and also by the learned counsels and dated 10.06.2026. The Memorandum of Joint Compromise is extracted hereunder:



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IN THE HIGH COURT OF JUDICATURE AT M.
[Appellate Jurisdiction]

A. S.No.163 & 165 of 2022

Against

O. S.No.3319 of 2019

[C S No.434 of 2004]

[On the file of XVIII Addl. Judge, City Civil Court, Chennai]



1. Suhitha Bhagwan [Deceased]
W/o late Bhagwan R. Mahbubani
No.18 Lynwood Avenue
Mahalingapuram, Chennai 600 034
2. Amit Bhagwan
S/o late Bhagwan R. Mahbubani
No.18 Lynwood Avenue
Mahalingapuram, Chennai 600 034
3. Ajith Bhagwan
S/o late Bhagwan R. Mahbubani
No.18 Lynwood Avenue
Mahalingapuram, Chennai 600 034 ...

Appellants

Versus

1. R.M. Ratanlal [Since Deceased]
S/o late Ramchand Dayaram Mahbubani
Old No.18, New No.8 Lynwood Avenue
Mahalingapuram, Chennai 600 034
2. Renu Mahbubani
W/o late Ratanlal Ramchand Dayaram Mahbubani
Old No.18, New No.8 Lynwood Avenue
Mahalingapuram, Chennai 600 034
3. Karishma Mahbubani
W/o Varun Rohra
Old No.18, New No.8 Lynwood Avenue
Mahalingapuram, Chennai 600 034

Renu R. Mahbubani

Karishma R. Mahbubani



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4. Lavina Mahbubani
W/o Gandharv Bakshi
Old No.18, New No.8 Lynwood Avenue
Mahalingapuram, Chennai 600 034 ...

Respondents

MEMORANDUM OF JOINT COMPROMISE ENTERED INTO BETWEEN
THE APPELLANTS AND THE RESPONDENTS

The deceased R.M. Ratanlal, the 1st Respondent herein originally filed C S No.434 of 2004 on the file of the Hon'ble High Court, Chennai for the relief of declaration to declare that the Plaintiff / 1st Respondent herein is the sole and absolute owner of the suit Schedule mentioned property bearing old No.18, New No.8 Lynwood Avenue, Mahalingapuram, Chennai 600 034. The sole Plaintiff / 1st Respondent herein also prayed for the relief of recovery of possession of the entire first floor of the suit schedule mentioned property which is in the occupation of the Defendants 1 to 3 / Appellants herein measuring an extent of 3412 Sq.ft. and for the further relief directing the Defendants / Appellants to pay to the sole Plaintiff / 1st Respondent a sum of Rs.20,000/- per month from 15.4.2004, the date of filing of the suit and also claiming a sum of Rs.20,000/- as damages for user and occupation of the first floor of the suit schedule property by the Appellants from the date of filing of the suit until recovery of possession of the first floor.

Renu R. Mahbubani
Kavitha R. Mahbubani



2. The aforesaid suit was later transferred to the file of the XVIII Addl. Judge, City Civil Court, and renumbered as O S No.3319 of 2019. The said suit was originally filed by the sole Plaintiff / 1st Respondent against Bhagwan R.Mahbubani, the elder brother of the Plaintiff and also by impleading his wife Mrs. Suhitha Bhagwan and two sons Mr. Amit Bhagwan and Ajith Bhagwan. During the pendency of the suit the 1st Defendant Bhagwan R.Mahbubani died leaving behind his wife and two sons referred to above and accordingly they were brought on record as the legal heirs of the deceased 1st Defendant Bhagwan R.Mahbubani and they continued the suit.

3. The aforesaid suit was contested by the Defendants / Appellants herein and the Learned Trial Judge decreed the suit by Judgment and Decree dated 31.10.2019 granting the decree for declaration in favour of the Plaintiff / 1st Respondent herein and also granted the relief of recovery of possession of the first floor of the suit property and also for damages for user and occupation at Rs.20,000/- from the date of filing of the suit as prayed for. In the said suit, the Defendants / Appellants also filed counter claim which was also dismissed.

4. Aggrieved against the said Judgment and Decree of the Trial Court, the Defendants / Appellants herein filed A S No.163 of 2022 as against the



Renu R. Mahbubani
Karuhua R. Mahbubani
[Signature]



main reliefs sought for and the Defendants / Appellants also filed A S No.165 of 2022 against the Decree rejecting their counter claim. In the said appeals in C M P No.5871 of 2022 in A S No.163 of 2022 the Appellants prayed for stay of the Judgment and Decree of the Trial Court in O S No.3319 of 2019; in C M P No.5875 of 2022 in A S No.163 of 2022, the Appellants also prayed for an Order of interim Injunction restraining the Plaintiff / 1st Respondent herein from in any manner interfering with the peaceful possession and enjoyment of the first floor in the suit property along with other amenities etc. pending appeal. The Appellants also filed C M P No.9433 of 2022 in A S No.163 of 2022 for interim direction granting permission to the Appellants to remove the two Sintex Tanks and in C M P No.9434 of 2022 in A S No.163 of 2022 the Appellants sought for interim Injunction with regard to parking of car etc.

5. In the aforesaid C M Ps this Hon'ble Court has passed an Interim Order dated 4.8.2022 as follows:

- a. Interim stay was granted on condition that the Appellants should deposit Rs.25 lakhs to the credit of O S No.3319 of 2019 within a period of three weeks, failing which the interim stay would stand automatically vacated;



Renu R. Mahabubani
Koushnee K. Mahabubani




d. On such deposit being made by the Appellants the Trial Court was directed to deposit the said amount in a Fixed Deposit;

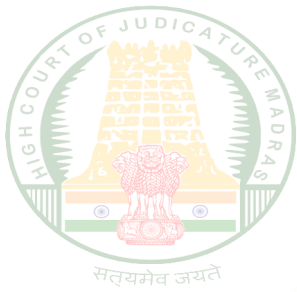
c. The Appellants were also directed to deposit a sum of Rs.20,000/- on before 10th of every succeeding month to the credit of the above suit etc. The aforesaid interim Orders were passed on the basis of the Counter Affidavit filed by the Plaintiff / 1st Respondent. The aforesaid Appeals are pending.

6. In the meanwhile, during the pendency of the appeals, the sole Plaintiff / 1st Respondent herein R.M. Ratanlal died on 16.1.2026 and the Respondents 2 to 4 being the wife and two daughters were impleaded as legal heirs of the deceased 1st Respondent.

7. In the light of the sudden demise of the 1st Respondent herein, there were mutual discussions and negotiations between the Appellants and Respondents to ensure amicable settlement and to put an end to all the litigations between the family members. Accordingly, the Appellants have decided to withdraw the above A S No.163 and 165 of 2022 thereby to confirm the Judgment and Decree of the Trial Court dated 31.10.2019 in O S No.3319 of 2019. Further, the Appellants have also agreed to deliver possession of the first floor portion of the suit property to the Respondents



Renu R. Mahabubani
Kandhu R. Mahabubani

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who were the legal heirs of the deceased R.M. Ratanlal by handing over the key of the said property to the Respondents herein in the Court.

8. Apart from the above, there are other legal proceedings pending between the parties herein as detailed below:

- i. O S No.5013 of 2009 on the file of the XIX Additional Judge, City Civil Court, Chennai, filed by late R.M. Ratanlal against the Defendants for recovery of money. The said suit was decreed for recovery of money and is yet to be executed. No Appeal has been filed as against the said Judgment in O S No.5013 of 2009.
- ii. O S No.1138 of 2022 on the file of the V-Additional Judge, City Civil Court, filed by late R.M. Ratanlal against late Bhagwan R.Mahbubani and others for declaration and for permanent Injunction and the said suit is pending.
- iii. E.P.No.4416 of 2021 in O S No.3319 of 2019 on the file of the XXVIII Assistant Judge, City Civil Court, for recovery of possession of the entire first floor of the suit property [which is the E.P.] arising out of the Judgment in O S No.3319 of 2019 which are the subject matter of A S No.163 of 2022 and A S No.165 of 2022. On the above basis, the parties have, after elaborate discussion entered into a Compromise on the following terms.

Renu R. Mahbubani
Kamshuni R. Mahbubani



- a. The Appellants herein have agreed to withdraw A S No.163 and 165 of 2022 pending on the file of this Hon'ble Court as not pressed so as to maintain and confirm the Judgment and Decree of the Trial Court in O S No.3319 of 2019 on the file of the XVIII Additional Judge, City Civil Court, Chennai dated 31.10.2019 and also confirm the absolute right title and interest of the Respondents / legal heirs of the sole Plaintiff over the suit schedule property bearing Old No.18, New No.8 Lynwood Avenue, Mahalingapuram, Chennai 600 034.
- b. The Appellants have agreed to deliver vacant possession of the first floor of the suit property which is the subject matter of O S No.3319 of 2019 by delivering the keys to the Respondents herein who are the legal heirs of the deceased 1st Respondent before this Hon'ble Court.
9. Pursuant to the directions of this Hon'ble Court, the Appellants have deposited in Fixed Deposit a sum of Rs.25 lakhs as and towards damages for user and occupation of the first floor of the suit property. Apart from that as per the directions of this Hon'ble Court the Appellants have been depositing every month a sum of Rs.20,000 for user and occupation. The said amounts are lying to the credit of O S No.3319 of 2019 with accumulated interest.



Renu R. Mahabani
Koushik K. Mahabani




- a. The parties herein agree and pray that the entire amount lying to the credit of the above suit deposited as per the directions of this Hon'ble Court in O S No.3319 of 2019 may be directed to be paid out 50% to the Appellant and the Cheque may be issued in the name of Mr.Amit Mahbubani and the other 50% may be paid to the Respondents 2-4 and the cheque may be issued to the 2nd Respondent Mrs. Renu Mahbubani on behalf of Respondents 3 and 4 respectively towards damages for user and occupation.
- b. The parties agree that the Respondents herein who are the legal heirs of deceased 1st Respondent shall withdraw O S No.5013 of 2009 on the file of the XIX Additional Judge, City Civil Court, Chennai, O S No.1138 of 2022 on the file of the V-Additional Judge, City Civil Court, Chennai and E.P.No.4416 of 2021 in O S No.3319 of 2019 on the file of XXVIII Assistant Judge, City Civil Court, Chennai, including the attachment application.
10. Apart from the above, the parties agree that there are no other legal proceedings pending as between them and based on the present compromise the entire disputes, differences and litigations stands fully and completely settled between them.



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Karishma R. Mahbubani




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1. In view of the above, the parties hereto humbly pray that this Hon'ble Court may be pleased to take on record the present compromise entered into between the parties and pass appropriate Order to give effect to the aforesaid terms of compromise. The Appellants also pray for dismissal of the above appeals by confirming the Judgment and Decree of the Trial Court in O S No.3319 of 2019 [C S No.434 of 2004].

Dated at Chennai on this the 10th day of June 2026.

Appellants

Counsel for Appellants

Renu R. Mahbubani
Karuhun R. Mahbubani

Respondents

Counsel for Respondents



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3. Both the appeals stand disposed of in terms of the Memorandum of

Joint Compromise. The Memorandum of Joint Compromise shall form part of the decree. Since the parties have entered into compromise and settled the matter out of Court, the appellants are entitled for refund of Court fees as per the Rules. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[C.V.K., J] [K.R.S., J]
11.06.2026

Index: Yes/No

Neutral citation: Yes/No

gpa

To

1. The XVIII Additional City Civil Court
Chennai

2. The Section Officer
VR Section
Madras High Court



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C.V. KARTHIKEYAN, J

and

K.RAJASEKAR, J

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