



WEB COPY

SA No. 698 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 698 of 2025

1. R.Thangamanni
W/o. Rajamani Mariamman Koil Street,
sokkanur (PO), Kinathukadavur Taluk,
Pollachi.

Appellant(s)

Vs

1. M.Ramathal
W/o. Jayakumar Mariamman Koil
Street, sokkanur (PO), Kinathukadavur
Taluk, Pollachi. Ramasamy Gounder
(Died)

Respondent(s)

PRAYER

To set aside the Judgment and Decree dt. 05.10.2023 made in AS No. 6/2015 on the file of the Court of the Subordinate Judge, Pollachi confirming the Judgment and decree dt. 05.09.2014 made in OS No. 950 / 2004 on the file of the Court of District Munsif, Pollalchi.

For Appellant(s): MR.R.Nandha Kumar

For Respondent(s): Ms.H.Kavitha For Mr.M.N.
Balakrishnan

ORDER

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the appellant(s).

2. It is brought to the notice of this Court that some error has been crept in



paragraph Nos.4 & 6 of the order dated 17.02.2026. The said paragraph Nos.4 & 6 are to be replaced as follows:

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“4. When the matter is taken up today, the learned counsel appearing for both sides submitted that the respondent is inclined to give 25 cents in Survey No.304/4B and another 25 cents in Survey No.308/2 and 309/1, in addition to the allotment of share suggested by the Advocate Commissioner through his plan in the final decree proceedings. The appellant also agreed for the said settlement.

5....

*6. Accordingly, this Second Appeal is modified to the effect that as per the plan in the first page, blue colour portion is allotted to the appellant and **orange** colour portion is allotted to the respondent and in the plan in the second page also blue colour portion is allotted to the appellant and **orange** colour portion is allotted to the respondent. The Joint Memorandum of Compromise filed by the appellant before this Court on 17.02.2026 and the survey plans in page Nos.1 and 2 of the typed set filed by the appellant on 17.02.2025 shall form part of the decree. Both the parties are permitted to pay requisite Court Fees as per the share allotted to them. The trial Court is directed pass final decree in accordance with the Orders passed by this Court. No costs. Consequently,*



connected miscellaneous petition is closed. ”

WEB COPY 3. Registry is directed to incorporate the above paragraph Nos.4 & 6 in the order dated 17.02.2026, and issue fresh order copy to the parties forthwith.

4. In all other respects, the order dated 17.02.2026, in the above Second Appeal shall remain unaltered.

26-02-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
rri



SA No. 698 of 2025



To

1.M.Ramathal

W/o. Jayakumar Mariamman Koil
Street, sokkanur (PO), Kinathukadavur
Taluk, Pollachi. Ramasamy Gounder
(Died)

2. The Subordinate Judge, Pollachi.

3.The District Munsif, Pollalchi.



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T.V.THAMILSELVI J.
rri

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 698 of 2025

R.Thangamanni

W/o. Rajamani Mariamman Koil Street, sokkanur
(PO), Kinathukadavur Taluk, Pollachi.

..Appellant(s)

Vs

M.Ramathal

W/o. Jayakumar

Mariamman Koil Street, sokkanur (PO),
Kinathukadavur Taluk, Pollachi.

Ramasamy Gounder (Died)

..Respondent(s)

Prayer : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgment and Decree dated 05.10.2023 made in AS No. 6/2015 on the file of the Court of the Subordinate Judge, Pollachi confirming the Judgment and decree dated 05.09.2014 made in OS No. 950/2004 on the file of the Court of District Munsif, Pollalchi.

For Appellant(s):

Mr..Nandha Kumar

For Respondent(s):

Ms.H.Kavitha
for Mr. M.N.Balakrishnan



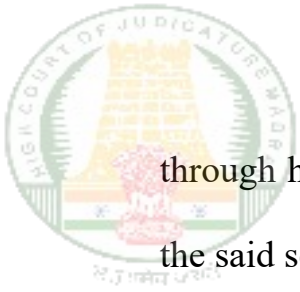
JUDGMENT

Challenging the preliminary decree granted by the Courts below, the second defendant had preferred the present Second Appeal.

2. The plaintiff had filed the final decree application before the trial Court. In the final decree proceedings, the Advocate Commissioner was appointed and he had submitted a plan along with his report. The Advocate Commissioner had also suggested for division of the suit properties. Since the Second Appeal is pending, no final decree has been passed till date.

3. When the matter came up for hearing before this Court on 29.01.2026, both the appellant and respondent were present before this Court and submitted that they had arrived at a compromise with regard to the division of the suit properties measuring to an extent of 7 acres, out of which 4 acres was allotted to the appellant and 3 acres was allotted to the respondent and the same was agreeable to the appellant and the respondent.

4. When the matter is taken up today, the learned counsel appearing for both sides submitted that the respondent is inclined to give 25 cents in Survey No.304/4B and another 25 cents in Survey No.308/2, 309/1 and 307/2A, in addition to the allotment of share suggested by the Advocate Commissioner



through his plan in the final decree proceedings. The appellant also agreed for the said settlement.

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5. Now as per the direction of this Court, a surveyor was appointed and he surveyed the lands and two plans have been submitted before this Court. The plan annexed with the Advocate Commissioner Report shall not be given any effect. Only the Joint Memorandum of Compromise filed by the appellant before this Court on 17.02.2026 and the surveyor plans drawn through surveyor adding 25 cents in page Nos.1 and 2 filed in the typed set shall form part of the judgment.

6. Accordingly, this Second Appeal is modified to the effect that as per the plan in the first page, blue colour portion is allotted to the appellant and red colour portion is allotted to the respondent and in the plan in the second page also blue colour portion is allotted to the appellant and red colour portion is allotted to the respondent. The Joint Memorandum of Compromise filed by the appellant before this Court on 17.02.2026 and the survey plans in page Nos.1 and 2 of the typed set filed by the appellant on 17.02.2025 shall form part of the decree. Both the parties are permitted to pay requisite Court Fees as per the share allotted to them. The trial Court is directed pass final decree in accordance with the Orders passed by this Court. No costs. Consequently, connected miscellaneous petition is closed.



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SA No. 698 of 2025



17-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

1. The Subordinate Judge,
Pollachi.
2. The District Munsif,
Pollachi.
3. The Section Officer,
VR Section, High Court, Madras.



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SA No. 698 of 2025



T.V.THAMILSELVI, J.

VTC

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17-02-2026