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A.S.No.542 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM :

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

A.S.No.542 of 2019
and
Cross Obj.No.10 of 2026
and
C.M.P.No.15855 of 2019

A.S.No.542 of 2019

S.Neelakandan

... Appellant

Versus

1. S.Thirunavukarasu
2. S.Thiruvengadam
3. S.Arangannal (Died)
4. L.Rajeswari

R3 died. Appellant and other respondents R1, R2 and R4 are LR's of the R3 vide Court order dated 17.07.2025 and memo dated 04.03.2025 (Memo recorded Sr.No.8380)

... Respondents

Cross Objection No.10 of 2026

S.Thirunavukarasu

... Cross Objector

Versus

1. S.Neelakantan
2. S.Thiruvengadam
S.Arangannal (Died)
3. L.Rajeswari

... Respondents

Prayer in A.S.No.542 of 2019 : Appeal Suit filed under Section 96 and Order XLI Rule I of C.P.C., to set aside preliminary decree and judgment passed by
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the lower court on 08.01.2019 in O.S.No.36 of 2014 on the file of the District Court II, Kancheepuram, in so far as dismissal of suit in respect of declaration of title of the B Schedule property and grant such further or other reliefs.

Prayer in Cross Obj.No.10 of 2026: Cross objection filed under Order 41 Rule 22 of C.P.C. seeking to modify the judgment and decree dated 08.01.2019 made in O.S.No.36 of 2014 on the file of District Judge, District Court No.II, Kancheepuram, by incorporating his share at 6/25 in both the schedule “A” and “B” properties.

For Appellants
in A.S.No.542 of 2019 : Mr.R.Chandrasekar

For Cross objector
in Cross Obj.No.10 of 2026 : Mr.M.Kempraj

For Respondents in
A.S.No.542 of 2019 : Mr.E.Senthil Kumar for
Mr.M.Kempraj for R1

Mr.Ravindran Venkatachalapathy
for R2

R3 – Died

Ms.R.K.Rithani for R4

For Respondents in
Cross Obj.No.10 of 2026 : Mr.R.Chandrasekar for R1

Mr.S.Kuberan for
Mr.Ravindran Venkatachalapathy
for R2
R3- Died

M/s.R.K.Rithani for R4



A.S.No.542 of 2019

COMMON JUDGMENT

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The appeal suit in A.S.No.542 of 2019 has been filed seeking to set aside the preliminary decree and judgment dated 08.01.2019 in O.S.No.36 of 2014 on the file of the District Court II, Kancheepuram, in so far as dismissal of suit in respect of declaration of title of the B Schedule property.

2. The cross objection in Cross Objection No.10 of 2026 has been filed seeking to modify the judgment and decree dated 08.01.2019 made in O.S.No.36 of 2014 on the file of District Judge, District Court No.II, Kancheepuram, by incorporating his share at 6/25 in both the schedule “A” and “B” properties.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. When the matter is taken up for hearing today, learned counsel appearing for the parties submitted that, during the pendency of the above appeal, on the request made by either side, the matter has been referred to mediation for settlement. In pursuance of mediation held between the parties in the mediation centre attached with this Court, the parties have arrived at a compromise and to that effect the settlement agreement dated 09.01.2026 between the parties has been filed before the mediation centre, which has been signed by the parties and also by the learned counsel for the parties and prays to pass decree in terms of the settlement arrived between the parties.

5. In view of the above, the said settlement agreement dated 09.01.2026



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entered between the parties is extracted herein:

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SETTLEMENT AGREEMENT

THE SETTLEMENT AGREEMENT entered into on 09/04/2026 between

S. Neelagandan Appellant/Plaintiff

S. Thirunavukkarasu
S. Thiruvengadam
S. Aranganathan (deceased)
L. Rajeswari Respondents/Defendants

WHEREAS

1. The preliminary decree was passed in respect of 6/25 share of Plaintiff and Defendants 2 & 3 each in A and B schedule properties in O.S. No.36 of 2014, on the file of District Court No.11, Kanchipuram.
2. The Appeal is filed by the Plaintiff, partly challenging the preliminary decree passed by District Court No.11, Kanchipuram, in O.S.No.36 of 2014. The Appeal is for challenging the preliminary decree in respect of 6/25 share in 'B' schedule property [Shop].
3. Disputes and differences had arisen between the Parties hereto and A.S. No. 542 of 2019 was filed before the Hon'ble Madras High Court and Cross objection Sr. No. 126030/2025 in A.S. no. 542/2019 was filed by S. Thirunavukkarasu. However the Appeal was filed partly challenging the preliminary decree in respect of 6/25 share in 'B' schedule property, the parties has agreed to settle the issue with respect to the entire schedule properties in the name of C.V. Seeyalam mudaliar S/o. S. Varadharaja mudaliar. C.V. Seeyalam mudaliar died on 17.09.1987 and S. Thirukaramal W/o. C.V. Seeyalam mudaliar died during the year 1999. The surviving legal heirs of Mr. C.V. Seeyalam mudaliar are as follows:
 1. S. Thirunavukkarasu aged 80 years
 2. S. Thiruvengadam aged 78 years
 3. S. Neelakandan aged 77 years
 4. L. Rajeswari aged 69 yearsOne Mr. S. Aranganathan who is one of the unmarried legal heir of Mr. C.V. Seeyalam Mudaliar died on 29.12.2024 without any legal heirs.
4. The matter was referred to mediation / conciliation vide an order dated 18/8/2025 passed by Hon'ble Mr. Justice M. Jothiraman.

S. NEELAGANDAN S. THIRUNAVUKKARASU S. THIRUVENGADAM L. RAJESWARI



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- 1) S. Thirunavukkarasu

S. No.	Survey No.	Acre Cents
1	54	0.58
3	584/2	0.57
4	526/2	0.32
5	494/3	0.20
Total		1.67

S. No.	Survey No.	Acre Cents
1	125 (Western portion)	1.00
2	62/2	0.57
3	564/1	0.48
Total		2.05

1. Neelaganthan S. NEELAGANDAN
2. Rajeswari L. RAJESWARI



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3)8. Neelaganthan

Land situated at Kanchipuram District, Walajabad Taluk, Kalakattur Village, Patta no.222 in the following survey numbers

S. No.	Survey No.	Acre Cents
1	492.1	0.80
2	382.2	0.11
3	492.3	0.16
4	315.3	0.91
Total		1.98

4) L. Rajeswari

Land situated at Kanchipuram District, Walajabad Taluk, Kalakattur Village, Patta no.222 in the following survey numbers

S. No.	Survey No.	Acre Cents
1	114.1	0.55
2	553.1	0.56
3	125 (Eastern portion)	0.49
Total		1.60

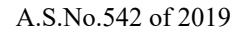


B. Item 2 in Schedule A property is divided as follows:

House and more situated at Kanchipuram District, Kanchipuram Taluk, old door no. 60, new door no.80, Malayala street. Town Survey no. 4187

S. No.	Name	Portion allotted	Length X Breadth Ft.	Total extent Sq. Ft.
1	S. Neelaganthan (Building)	A	45' x 23' 9"	1069
2	S. Thiravekkadai (Building)	B	38' x 27'	1026
3	L. Rajeswari (Vacant Land)	C	22' x 28'	616
4	S. Thiravekkadai (Vacant Land)	D	52' 3" x 33'	1064
5	Common passage (roads from south)	E	10' 6" x 5'	527

S. Neelaganthan *S. Thiravekkadai* *L. Rajeswari*
S. NEELAGANTHAN S. THIRAVEKKADAI L. RAJESWARI



Common passage of 5 feet has been allotted as E portion share from the share (Malayale Street) till the end of L. Rameshwar's Land. All the four persons allotted are having right to way, light and enjoyment of the common passage. It has been agreed by the parties herein that the parties herein and their heirs, assigns and/or the subsequent buyers are not allowed to make any type of constructions in the 5 feet common passage. If any of the parties herein intends to sell his share of the property then he/she has to give first preference in writing to the co-buyers on preferential basis on the prevailing market rate. No sale of land and house.

Parties agreed to obtain data individually for the records of land and noise allotted to them. The Parties herein also agrees to cooperate before the appropriate authorities pertaining to any of the records.

C. The Schedule 'B' shop situated at Kanchipuram District, Kanchipuram Taluk, Thiruvengottam, Periyachatur, Kanchipuram Division, Door no. 56, new door no. 121, C.V. Rajagopal street, Town survey no. 385, 1467.7 is enjoyed by the Appellant/Plaintiff from the year 1980 onwards. As the shop was given to him by Mr. Seeyalam Mudalar (father of parties hereto) in the year 1980 itself. The Respondents/Defendants had no objection to the allotment and enjoyment of 'B' schedule property to the Appellant/Plaintiff. Neelekandhuri. However, a sum of Rs 5,00,000/- (Rupees Five Lakhs only) has been paid to

1. S. Thinnaveekkanth (vide DI no. 268501, dt. 07.01.2020).
2. J. Rajeswari (vide DI no. 268502, dt. 07.01.2020).
3. S. Thinnaveekkanth, through Cassinder (09.01.2020) by the Appellant.
4. The appellant has agreed to withdraw the said Appeal O.S. no. 36/2014 on the file of District court, K. Kolliparam.
5. S. Thinnaveekkanth, 1st defendant, has filed the cross of objection no. SR 36030/2019 in AS No. 5422019 is heretofore.
6. The amount paid by the Appellant in AS No. 5422019 before the High Court of Madras, OS No. 36/2014, to the file of the District Court, Kolliparam, and the Cross-Objection No. SR 36030/2019, to the file of the High Court, at Madras, filed by the 1st defendant, since the defendant, 1st Defendant.

1. *John J. ...*
 2. *Thomas ...*
 3. *...*
 4. *...*



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For Respondent's Settlement

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12. By signing this Agreement, the Parties hereto state that they have no further claims or demands against each other with respect to A.S. No. 542/2019 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Mediation.

DATE: 09.01.2026

PARTIES' SIGNATURE:

S. Neelagandan S. Thirunavukarasu S. Thiruvengadam L. Rajeswari

S. NEELAGANDAN S. THIRUNAVUKARASU S. THIRUVENGADAM L. RAJESWARI

COUNSELS' SIGNATURE:

R. Chandrasekar M. Mohan Raj

R. CHANDRASEKAR M. MOHAN RAJ

2227/2005 1655/2004

(Counsel for Petitioner) (Counsel for 1st Respondent)

Ravindran Venkatachalapathy Sabari Selvan

RAVINDRAN VENKATACHALAPATHY SABARI SELVAN

5221/2022 2002/2016

(Counsel for 2nd Respondent) (Counsel for 3rd Respondent)

19 JAN 2026

S. Neelagandan S. Thirunavukarasu S. Thiruvengadam L. Rajeswari

S. NEELAGANDAN S. THIRUNAVUKARASU S. THIRUVENGADAM L. RAJESWARI



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6. Accordingly, the appeal suit and the cross objection are disposed of in terms of the settlement agreement dated 09.01.2026 and the same shall form part and parcel of the decree. The Court fee, if any, shall be refunded to the parties as per the rules applicable. Consequently, connected miscellaneous petition stands closed. No Costs.

06.02.2026

Index : yes/no
Speaking/Non-Speaking order
rap

To

The District Judge, District Court No.II, Kancheepuram



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M.JOTHIRAMAN, J.,

rap

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06.02.2026