



A.S.(MD)No.8 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 09.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

A.S.(MD)No.8 of 2012

- 1.S.N.M.Noohu Haji (died)
- 2.Kabeer Haji (died)
- 3.Syed Ahamed Fathima
- 4.Noorul Ayne
- 5.Mohamed Ali
- 6.S.M.K.Sheik Noordeen
- 7.Muthu Fathima
- 8.Syed Ahamed Fathima
- 9.Halima Beevi
- 10.Muthy Aysha Beevi
- 11.S.A.H.Rabia
- 12.Kathjathul Kubra

1/6



A.S.(MD)No.8 of 2012

13.Multhazeem

14.S.A.C.Sheik Noorudeen (died)

15.Iliyas Nowfar

16.M.A.C.Mohamed Ali

17.M.A.Mukaramma

18.M.A.Muthu Mohideen Fathima

19.M.A.Syed Fathima

20.B.S.Ojeedha Beevi

21.M.N.Syed Ahamed Fathima

22.M.N.Sheik Noordin

23.M.N.Amminathil Suhariya

24.M.N.Sowdha Begum

25.Abubakkar

26.Sheik Abdul Cader Hamthoom

27.Mohammed Ismail Buhari

28.Fathima Razeena

29.Ahamed Fathima

30.Sultan Abdul Kader

31.Muthu Ahamed Fathima

... Appellants



A.S.(MD)No.8 of 2012

(Appellants 30 & 31 / LR's of the deceased 14th appellant
are suo motu impleaded as per order of this Court
dated 07.04.2025 made in C.M.P.(MD)No.6604 of 2023
in A.S.(MD)No.8 of 2012 by GRSJ & MJRJ)

Vs.

Mohideen Buhari Fathimal (died) ... Respondent / Plaintiff

2.Syed Ahamed

3.Hussain Noorudeen

4.Mohamed Sarjoon

5.Muthu Aminath Fathima ... Respondents

(Respondents 2 to 5 are brought on record
as LR's of the deceased sole respondent vide order
dated 07.04.2025 made in C.M.P.(MD)Nos.6604 of 2023
in A.S.(MD)No.8 of 2012 by
GRSJ & MJRJ)

PRAYER: Appeal Suit filed under Section 96 of the Civil Procedure Code praying this Court to set aside the Judgment and decree of the learned Additional District Judge / Fast Track Court No.1, Tuticorin, dated 10.12.2010 made in O.S.No.11 of 2006 and allow this appeal.

For Appellants : Mr.I.Abdul Basith
& Mr.A.Sheik Nasurdeen



WEB COPY



A.S.(MD)No.8 of 2012

For Respondents : Mr.M.Mohamed Ibram Saibu

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The appellants herein challenged the preliminary decree dated 10.12.2010 made in O.S.No.11 of 2006 on the file of the Additional District Judge / FTC, Thoothukudi.

2. Both the appellants as well as the respondents are present either in person or through VC mode before us. The compromise memo dated 28.12.2025 signed by the parties as well as the counsel has been produced before us.

3. The respondents appeared before us through Zoom. We had interaction with them. We posed a specific question to them if they are giving up their rights under the impugned preliminary decree. Answer is in the affirmative and they confirmed that they had voluntarily executed the joint memo of compromise. The respondents in this appeal have agreed to give up the benefits flowing to them under the impugned preliminary decree.



A.S.(MD)No.8 of 2012

WEB COPY

4. The impugned preliminary decree passed by the Court below is set aside. This Appeal Suit is allowed in terms of the compromise memo dated 28.12.2025. The compromise memo shall form part and parcel of the decree.

(G.R.S., J.) (R.P., J.)
09.04.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

The Additional District Judge / Fast Track Court No.1, Tuticorin.



WEB COPY



A.S.(MD)No.8 of 2012

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

rmi

A.S.(MD)No.8 of 2012

09.04.2026