



SA No. 708 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 708 of 2025
and
CMP.Nos.26281 and 26284 of 2025**

Tejraj Goutham Chand Surama Trust
Rep by its Managing Trustee
Pavan Kumar Surana,
No.3/1, Mahaveer Colony,
EVK Sampath Salai, Chennai 7.

Appellant(s)

Vs

1. P. Kannappan
- 2.P. Karunakaran
- 3.The District Collector
Rajaji Salai, Chennai 1.
- 4.The Tahsildar
Fort Tondiarpet Taluk, Chennai 3.
- 5.Chennai Corporation
Rep by its Commissioner,
Ripon Buildings, Chennai 3.
- 6.The Assistant Revenue Officer
Zone 6, Division 73, Chennai
Corporation, Ayanavaram,
Chennai 23.
- 7.Pavan Kumar Surana

Respondent(s)



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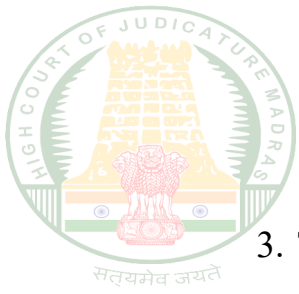


For Appellant(s): Mr.Praveen Alexander
For Respondent(s): Mr.G.Sugumaran For R1
R2 - Not Pressed
Mr.C.Sathish, Govt.Advocate, For R3 and R4
Ms.Ramadevi For R5 and R6
Mr.Pavan Kumar Surana,
Party -in-person For R7

JUDGMENT

Today, when the matter is taken up for hearing, the appellant trust is represented by Pavan Kumar Surana, who is the son of earlier trustee Goutham Chand Surana. After the demise of Goutham Chand Surana, Pavan Kumar Surana is the managing trustee. The first respondent/plaintiff also appeared. The second respondent not contested the appeal and other respondents are Government officials.

2. The appellant purchased the property from the second respondent. As on date, the matter was compromised between the appellant/second defendant and the first respondent/plaintiff and a joint compromise memo was filed and the terms of compromise was admitted by both the parties. Accordingly, as per the terms of the compromise, 800 sq.ft., which is shown as ABCD coloured Red in the sketch attached with the compromise memo and also shown as B-schedule in the compromise memo, along with building is allotted to the first respondent/plaintiff. The remaining extent of 4000 sq.ft. is allotted to the appellant Trust. To that effect, a sketch is also annexed with the compromise memo with measurement.



3. The learned counsel for the appellant and the learned counsel for the first respondent by filing a Memorandum of Compromise dated nil.01.2026, which was duly signed by the parties and their respective counsel, submitted that the second appeal may be disposed of in terms of the Joint Memorandum of Compromise.

4. The joint memo of compromise filed by the parties, dated nil.01.2026 is extracted hereunder:-

“Joint Compromise memo between the appellant and first respondent

1. That the Appellant has preferred this Second Appeal against the Judgment and Decree passed by the Learned V Additional Judge, City Civil Court at Chennai in A.S. No.240 of 2023 dated 19.08.2025 reversing the Judgment and Decree passed by the Learned VIII Assistant Judge, City Civil Court at Chennai in O.S.No.1228 of 2016 dated 28.07.2023.

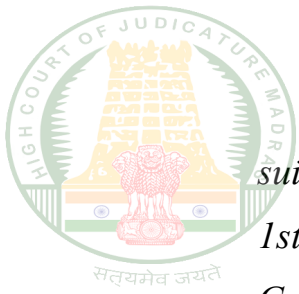
2. The dispute relates to the land measuring 4800 sq.ft. with superstructure thereon comprised in Survey No.1795 and 1795/8 bearing Oldest No. 24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, Pulianthope, Chennai-12 was purchased by Late. Govindammal, the mother of the respondents 1 and 2 in this appeal and she died intestate on 08.02.1998 leaving behind her Legal Heirs. The 1st respondent in this appeal filed partition suit in O.S.No.6166/2002 claiming 800 sq.ft. i.e. 1/ 6th share in the property under Ex.A.4 the preliminary decree was passed on



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24.02.2003 by the Learned I Asst. Judge, City Civil Court, Chennai and Ex.A.13 and Ex.A.14 final decree also passed on 20.06.2008 in I.A. No.782/2004 in O.S. No.6166/2002. The property was divided and partitioned by metes and bound in which 1 / 6th share 800 sq.ft. was allotted to the 1st respondent in this appeal which is shown ABCD in the Final Decree. The Decree Holder the 1st respondent in this appeal executed final decree for possession ABCD portion in E.P. No.1888/2014 and the executing court Learned X Assistant Judge, City Civil Court, Chennai after contest ordered delivery on 16.09.2019 under Ex.A.27. The Decree Holder took possession in respect of his 1 / 6th share 800 sq.ft. with superstructure which is shown as ABCD in Ex.A.13 through court vide Bailiff Report under Ex.A.28 and the E.P. has been terminated on 11.02.2020. Now the plaintiff/ 1st respondent in this second appeal is in absolute physical possession of his share of 800 sq.ft. with superstructure by virtue of partition final decree.

3. That in the meantime, the 2nd respondent P.Karunakaran, brother of 1st respondent in this appeal sold the entire property 4800 sq.ft. of land with superstructure to the appellant Trust in this appeal on 17.10.2003 registered as Doc. No.2282/2003 at S.R.O., Periamet, Chennai and the Trust has made mutation of Revenue Records in their name. the 1st respondent has not received any consideration for sale from the Trust. On coming to know of the sale, the 1st respondent in this appeal filed suit in O.S. No.1228/2002 for declaration that the sale of 4800 sq.ft. with building under the sale deed dated 17.10.2003 (inclusive of 1st respondent's share) is illegal, null and void and other reliefs. The Learned VIII Asst. Judge, City Civil Court, Chennai dismissed the



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suit on 28.07.2023 on the finding that the plaintiff in collusion with 1st defendant P.Karunakaran suppressed the Will executed by Govindammal and obtained exparte decree in the partition suit and also on other technical reasons.

4. Aggrieved by the dismissal of suit, the plaintiff/1st respondent filed appeal in A.S. No.240/2023 and after contest, the First Appellate Court i.e. I Additional Judge (V Addl. Court (FAC) by Judgment and decree dated 19.08.2025 allowed the appeal and the Decree and Judgment dated 28.07.2023 passed by the Learned VIII Asst. Judge in O.S. No. 1228/2016 is set aside. The suit in O.S. No.1228/2016 is decreed insofar as the property allotted to the plaintiff (1st respondent in the Second Appeal) which is shown ABCD in Ex.A.13 final decree.

5. The First Appellate Court under the decree in A.S. No.240/2023 dated 19.08.2025 granted the following relief:

(i) That the Sale Deed dated 17.10.2003 executed by the 1st defendant to and in favour of 2nd defendant registered as Doc. No. 2282/2003 at S.R.O., Periamet including plaintiff's share with superstructure in respect of the property bearing Oldest No. 24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, Pulianthope, Chennai-12 is declared as illegal, null and void in so far as the property allotted to the plaintiff which is shown in ABCD Ex.A.13 final decree.

(ii) That the Assessment of Tax by change of name recorded in favour of Defendants 1 & 2 as assessee for the purpose of property tax effected by the defendants 5 & 6, Chennai Corporation in



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respect of the suit property is null and void in so far as the property allotted to the plaintiff which is shown in ABCD Ex.A.13 final decree.

(iii) Permanent injunction restraining the defendants 3 & 4 from granting patta to 1st defendant or 2nd defendant or to their successors and executors in respect of the suit property bearing Oldest No. 24C, Old No.7/1, now the present Door No.5/7 Kuttithambiran Street, Pulianthope, Chennai - 600012 in so far as the property allotted to the plaintiff which is shown ABCD in Ex.A.13 final decree.

iv) Permanent injunction restraining the defendants from in any manner disturbing peaceful possession and enjoyment of the plaintiffs property measuring 800 sq.ft. together with superstructure bearing Oldest Door No.24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, Pulianthope, Chennai-12 in so far as the property allotted to the plaintiff which is shown in ABCD- Ex.A.13 final decree.

6. Aggrieved by the Decree and Judgment dated 19.08.2025 passed in A.S. No.240/2023, the 2nd defendant Trust filed Second Appeal in S.A. No.708/2025. Pending service the appellant withdrew the Second Appeal on 26.11.2025 as against the 2nd respondent P. Karunakaran in the second appeal. On 07.01.2026 when the case came up for hearing, the appellant has represented for compromise the case and also agreed to settle the issue as per final decree, the share allotted to the plaintiff which is shown in ABCD Ex.A.13. Accordingly the parties have voluntarily arrived at amicable



solution resolving the above mentioned dispute and division of property between themselves on the following terms.

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Terms of Compromise:

(i) The Appellant/ Trust in this appeal has no objection in accepting the Decree and Judgment dated 19.08.2025 passed in A.S.No.240 of 2023 in so far as the property allotted to the 1st respondent/plaintiff measuring 800 sq.ft. of land with superstructure in the property bearing Oldest No.24C, Old No.7/1, Present NO.5/7, Kuttithambiran Street, now Kuttithambaran Street 3rd Lane, Pulianthope, Chennai - 600012 which is shown in ABCD coloured Red Ex.A.13 final decree passed in O.S.No.6166 of 2002.

(ii) The Appellant/ Trust agrees that the 1st respondent/ P.Kannappan in this appeal is the absolute owner of his share measuring 800 sq.ft. with superstructure in the property comprised in Survey No.1795 and 1795/8 bearing Oldest No. 24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, now Kuttithambiran Street 3rd Lane, Pulianthope, Chennai-12 allotted to him which is shown in ABCD coloured Red in the sketch attached in this Compromise Memo and morefully described in Schedule 'B'.

(iii) The Appellant/Trust has no objection to the 1st respondent/ P.Kannappan in this appeal to apply to the Respondents 5 & 6 Chennai Corporation Zone VI Division 73 (Old Zone 3, Old Division 41) for assessment of property tax in his name in respect of his share 800 sq.ft. allotted in the property bearing Oldest No.



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24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, now Kuttithambaran Street 3rd Lane, Pulianthope, Chennai-600012 shown in ABCD and coloured in Red which is shown in ABCD in the sketch attached in this Compromise Memo and morefully described in Schedule 'B' herein.

(iv) The Appellant/Trust has no objection to the 1st respondent/P. Kannappan in this appeal to apply to Tahsildar, Periamet (formerly Fort-Tondiarpet Taluk) for sub division and for grant of patta in his favour in respect of his share 800 sq.ft. only in the property bearing Oldest No. 24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, now Kuttithambiran Street 3rd Lane, Pulianthope, Chennai-600012.

(v) The appellant Trust has no objection for sub division and for grant of patta in favour of P.Kannappan the 1st respondent in this appeal in respect of his share allotted to him which is shown in ABCD coloured Red in the sketch attached in the Compromise Memo morefully described in Schedule 'B'.

(vi) The appellant Trust or any Office Bearer of the Trust or any servant under the Trust agreed that they shall not interfere or disturb peaceful possession and enjoyment of the 1st Respondent's share measuring 800 sq.ft. with superstructure allotted to him in the property bearing Oldest No. 24-C, Old No.7/1, Present Door No.5/7, Kuttithambiran Street, now Kuttithambiran Street 3rd Lane, Pulianthope, Chennai-600012 which is shown ABCD in the sketch described in Schedule B herein.



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(vii) *The 1st respondent P.Kannappan has got absolute right of alienation and to deal with his property measuring 800 sq.ft. in any manner and he can also develop and construct house building with compound wall in the property described in Schedule 'B' for convenient living with his family.*

(viii) *The Appellant Trust shall apply for clearance of encumbrance over the property of the 1st respondent measuring 800 sq.ft. allotted to him which is shown in ABCD in the sketch attached in this Compromise Memo and morefully described in Schedule B and get encumbrance clearance certificate at their expense from the Office of S.R.O., Periamet.*

(ix) *The 1st Respondent Kannappan hereby agree that he has no claim in respect of the remaining land measuring 4000 sq.ft. belonging to the Appellant/Trust on the eastern side.*

(x) *As the Appellant Trust has withdrawn the above appeal as "not pressed" against the 2nd respondent P.Karunakaran, the appellant undertakes that they will safeguard and protect the rights and interest of the 1st respondent in respect of his share allotted to him which is shown in ABCD in the sketch attached in this Compromise Memo and morefully described in Schedule B and also assured that the Appellant/Trust will protect the 1st respondent from interference of others.*

(xi) *The Appellant Trust undertakes to withdraw the suit in O.S. No. 5781/2014 as 'not pressed' against the 1st respondent P.Kannappan who is arrayed as 9th defendant filed for delivery of*



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vacant possession filed by the Appellant/Trust against P.Karunakaran and others in O.S. No.5781/2014 on file of Learned XVIII Asst. Judge, City Civil Court, Chennai.

(xii) The Appellant Trust will not have any claim against the 1st respondent P.Kannappan, similarly the 1st respondent P.Kannappan will not have any claim as against the Appellant Trust.

(xiii) Both parties the Appellant and the 1st Respondent in this appeal read over contents of this Joint Compromise Memo and signed this Compromise Memo voluntarily and with full consent.

(xiv) The Appellant and the 1st Respondent in this Second Appeal agrees to bear their respective cost.

This Joint Compromise Memo shall be part and parcel of the Decree passed in this Second Appeal in terms of compromise.

SCHEDULE 'A' (For total property)

All that piece and parcel of the land together with building comprised in Survey No.1795 and 1795/8 bearing New No.5/7, (Old No.7/1, Oldest No.24-C), Kuttithambiran Street, Pulianthope, Chennai -600012 bounded on the North by: Survey No.1795/10, on the South by S. No.1796/1, Kutti Thambiran Street 3rd Lane, East by Mohamed Sahib Property R.S. No.1796/10, West by Survey No.1795/9, measuring East to West 80 Feet on both sides, North to

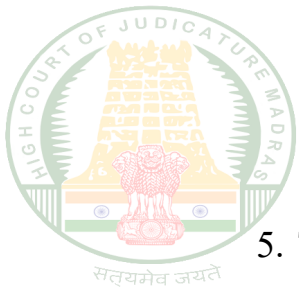


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South 60 Feet on the both sides admeasuring 4800 sq.ft. situated within the Chennai Corporation Limit, Zone No. VI, Division No.73 (Old Zone No.3, Old Division No.41) and within the Registration District of Central Madras, the Sub Registration District of Periamet, Chennai, Pulianthope, Vepery Village.

*SCHEDULE 'B' (property measuring 800 sq.ft. allotted to
1st Respondent/P.Kannappan)*

All that piece and parcel of the land measuring 800 sq.ft. Shown in ABCD coloured Red in the sketch attached herein along with building which is forming part of the Schedule 'A' property hereinabove comprised in Survey No.1795, as per TSLR Patta Resurvey No.1795/8 in Block No.40, Vepery Village, then Fort-Tondiarpet Taluk, presently Purasawalkam Taluk, Chennai Revenue District situated at New No.5/7, (Old No.7/1), Oldest No.24-C, Kuttithambiran Street, now Kuttithambaran Street 3rd Lane, Pulianthope, Chennai-600012 is being bounded on the North by; R.S. No.1795/10, on the South by S. No.1796/1 (Kuttithambiran Street 3rd Lane), East by: the remaining Property of M/s. Tejraj Gowtham Chand Surana, West by Survey No.1795/9 and measuring East to West on the Northern side 13 ¼ feet, East to West on the southern side – 13 ¼ feet, North to South on the Eastern side 60 feet, North to South on the Western side 60 feet and admeasuring an extent of 800 sq.ft. and lying within the limit of the Greater Chennai Corporation, Zone VI, Division No.73, (Old Zone No.3, Old Division No.41) and within the Registration District of Central Chennai and the Sub Registration District of Periamet.”



5. The said joint compromise memo as well as the sketch are taken on record. The appeal is disposed of in terms of the joint compromise memo. The terms of the compromise along with the sketch shall form part of the decree. No costs. Consequently, connected miscellaneous petitions are closed.

6. It is admitted by the first respondent/plaintiff that as on date he is in possession and enjoyment of the 800 sq.ft. as per the terms of the compromise. It is also noted that the decree passed by the First Appellate Court regarding other reliefs are not disputed by the appellant/second defendant with regard to the 800 sq.ft. Therefore, to that effect, the decree of the First Appellate Court is also confirmed.

21-01-2026

pvs

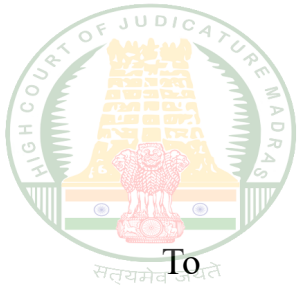
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: I.T. on 22.01.2026



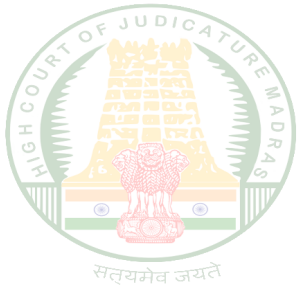
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To

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