



S.A(MD).No.680 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-07-2026

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

S.A(MD).No.680 of 2011

Omana : Appellant/1st Respondent/1st Defendant

Vs

- 1.R.Chakrapani
- 2.R.Prabhakaran
- 3.Jadhara Panicker
- 4.R.Soman
- 5.S.Sethu
- 6.S.Leela
- 7.S.Velappan
- 8.S.Sukumaran
- 9.S.Jeyakumar (Died)
- 10.C.Sujatha
- 11.Latha
- 12.V.Mony
- 13.Sheela
- 14.Ravi
- 15.Murugan
- 16.Usha
- 17.Vishnu
- 18.Sree Lekshmi

: Respondents/Appellants/Plaintiffs 2 to 11

: Respondents/Respondents 2 & 3/Defendants 2 & 3

: Respondents

[R16 to R18 are brought on record as LR's of the deceased 9th respondent vide order dated 30.04.2024 in CMP(MD)Nos.3206, 3207 and 3208 of 2024]



S.A(MD).No.680 of 2011

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For Appellant(s):

Mr.K.N.Thampi
G.Pitchaimani
Advocate

For Respondent(s):

Mr.K.P.Narayanakumar
Mr.A.Balakrishnan for RR1 to R5 & R10 to R12

Prayer : Second Appeal is filed under Section 100 of CPC, to set aside the judgment and decree passed in A.S.No.128 of 2006 dated 30.08.2010 on the file of the learned Sub Judge, Kuzhithurai, modifying the judgment and decree passed in O.S.No.459 of 2001 dated 10.08.2006 on the file of the II Additional District Munsif, Kuzhithurai.

ORDER

The learned counsel for the appellant and the learned counsel for the respondents 1 to 5 and 10 to 12 are present. Heard

2. This Second Appeal is admitted on the following substantial questions of law :

“(a) Whether the suit is barred by the principle of res judicata by virtue of dismissal of O.S.No.57 of 1970, as evidenced by the Judgment marked as Ext.B45?



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S.A(MD).No.680 of 2011

(b) Whether the findings of the Lower Court that the compromise decree in O.S.No.471 of 1966 on the file of the Principal District Munsif, Kuzhithurai, which is marked as Ext.A7, dated 06.04.1967, are binding on the defendants when admittedly all the parties to the suit did not sign the memorandum of compromise?”

4. List the matter for final hearing on 16.07.2026.

sjj

09.07.2026



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S.A(MD).No.680 of 2011

P.VADAMALAI, J.

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09-07-2026