

In the High Court of Judicature at Madras

Dated : 13.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN
and
The Honourable Ms.Justice K.B.K.VASUKI

A.S.No.116 of 2011

N.Joshua Samuel Rajkumar ...Appellant/Defendant

Vs

J.Jeyanand ...Respondent/Plaintiff

APPEAL under Section 96 of the Civil Procedure Code against the judgment and decree dated 15.2.2011 made in O.S.No.11936 of 2010 on the file of the Additional District and Sessions Court (Fast Track Court No.3), Chennai.

For Appellant : Mr.T.R.Rajaraman
For Respondent : Mr.R.Vijayakumar

Judgment was delivered by V.RAMASUBRAMANIAN,J

The parties entered into a memo of compromise, which reads as follows :

"The parties to the above appeal, as per the advise of the friends as well as close relatives, have decided to amicably settle the difference and to enter into the following memo of compromise :

1. The respondent will give up his right under the agreement of sale dated 25.2.2005 and seek for withdrawal of the consideration amount of Rs.20,70,000/- deposited pursuant to the decree granted in his favour. The respondent (plaintiff) herein agrees to withdraw the suit filed by him in O.S.No.11936 of 2010 on the file of the Additional District and Sessions Judge (Fast Track Court-III), Chennai and shall have no objection for allowing the appeal in favour of the appellant (defendant herein).

2. The appellant (defendant) has no objection for the respondent (plaintiff) to withdraw the amount deposited viz. Rs.20,70,000/- to the credit of the suit by the respondent/plaintiff. The respondent/plaintiff

shall have no claim whatsoever against the appellant/defendant.

3. The parties agree to bear their respective costs throughout."

2. The appellant is present in Court. It is stated by Mr.R.Vijayakumar, learned counsel for the respondent that his client is also present in Court. Therefore, the memo of compromise is taken on record. The appeal is disposed of in terms of the memo of compromise. There will be a decree in terms of the memo of compromise. The respondent/plaintiff shall be permitted by the Trial Court to withdraw the amount of Rs.20,70,000/- (Rupees twenty lakhs and seventy thousand only) already deposited before the Trial Court together with interest, if any accrued. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Additional District and Sessions Court (Fast Track Court No.3),
Chennai.

+7 cc's to Mr.T.R.Rajaraman, Advocate,SR.20387 & 20098.

+1 cc to Mr.R.Vijayakumar, Advocate,SR.20496.

tej(co)
krd 30/4

AS.No.116 of 2011

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