

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2015

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

Second Appeal No.784 of 2014

M/s.Radhalakshmi

... Appellant/Plaintiff.

Vs.

M/s.S.R.Technologies
Represented by its Proprietor,
Mr.R.Chokkalingam,
Son of S.Ranganathan,
having works at KR.7,
Teleflo Mini Industrial Estate,
No.3/88, Mount Poonamallee Road,
Ramapuram, Chennai - 600 089. ... Respondent/Defendant.

Prayer:- This second appeal has been filed under Section 100 C.P.C., against the judgement and decree dated 24.08.2012 and made in A.S.No.31 of 2011 on the file of the learned Principal District Judge, Tiruvellore as against the judgement and decree dated 11.11.2010 in O.S.No.250 of 2008 on the file of the learned Subordinate Judge, Poonamallee praying to set aside the same and allow the second appeal.

For Appellant : Mr.P.Subba Reddy
For Respondents : Mr.J.D.Srikanth Verma

JUDGEMENT

The plaintiff in O.S.No.250 of 2008 on the file of the learned Subordinate Judge, Poonamallee is the appellant herein. The respondent is the defendant in the suit. The said suit was filed for recovery of possession and also for recovery of Rs.6,000/- towards rent for the month of June 2008 and for recovery of a sum of Rs.45,000/- towards damages for the wrongful use of the suit premises for the months from July to November 2008 and to direct the defendant to pay a sum of Rs.9,000/- per month towards future damages for the wrongful use of the suit premises from the month of September 2008 till the date of delivery of the suit premises. The trial Court decreed the suit in part by decree and judgement dated 11.11.2010 thereby granting decree for recovery of possession and dismissing the suit for the recovery of arrears of rent however, granting relief of future damages from the month September 2008 onwards @ Rs.6,000/- per

month. As against the above decree, the plaintiff filed an appeal in A.S.No.31 of 2011 on the file of the learned Principal District Judge, Tiruvallur. Further, as against the said decree of the trial Court, the defendant filed an appeal in A.S.No.57 of 2011 on the file of the learned Principal District Judge, Tiruvallur. By way of common judgement, the First Appellate Court has dismissed both the appeals. As against the dismissal of A.S.No.31 of 2011, the plaintiff is before this Court with this second appeal.

2.I have heard the learned counsel for the appellant and the learned counsel for the respondent and I have also perused the records carefully.

3.This second appeal was admitted on 08.08.2014 by this Court. Today, when the matter is taken up for hearing, the learned counsel on either side filed a common memo of compromise, in which, the plaintiff and the defendant have stated as follows:-

"The above appeal has been filed against the orders dated 24.08.2012 in A.S.No.31 of 2011 on the file of the Hon'ble Principal District Judge, Tiruvellore. The suit is for delivery of possession and various other reliefs. Subsequently to the filing of the Second Appeal S.A.No.784 of 2013, now the tenant vacated the suit property and handed over possession to the landlady, the appellant herein. The appellant herein received the keys and accordingly the appeal filed by the appellant is hereby withdrawn as not pressed."

4.In view of the said settlement reached out of Court, according to the learned counsel for the appellant, the second appeal may be dismissed as settled out of Court. The learned counsel for the respondent also accepts the same.

5.In view of the fact that the matter has been compromised between the parties in terms of memo stating that the matter has been settled out of Court, the Second Appeal is dismissed as settled out of Court. There shall be no order as to cost.

jbm

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Subordinate Judge,
Poonamallee.

2.The Principal District Judge,
Tiruvellore.

+ 1 cc to Mr.P.Subba Reddy, Advocate SR 14362

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