

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

Second Appeal No.589 of 2008
and
M.P.No.1 of 2008

Mohammed Farishta

... Appellant/Defendant

-Vs-

1. S.Ramesh Kumar

2. Meeran

... Respondents/Plaintiff
& Defendant

SECOND APPEAL filed under Section 100 of Code of Civil Procedure against the judgment and decree dated 06.10.2007 passed in A.S.No.622 of 2006 on the file of the learned VII Additional Judge, City Civil Court, Chennai in confirming the judgment and decree dated 27.06.2005 passed in O.S.No.5229 of 2004 on the file of the learned VII Assistant Judge, City Civil Court, Chennai.

For Appellant : Mr.K.Moorthy

For Respondents : ...

सत्यमेव जयते
J U D G M E N T

This Second Appeal has been filed challenging the decree and judgment of the learned VII Additional Judge, City Civil Court, Chennai in A.S.No.622 of 2006 dated 06.10.2007.

2. Today, when the matter is taken up, it is found that the learned Counsel for the appellant has filed a memo which states as follows:

"The above named appellant begs to state as follows:

In the above said appeal, both the appellant and the respondent have entered into a memorandum of compromise to settle all the issues that arose between them.

In pursuant to the same, the appellant also has no objection for the respondents in filing the payment out petition in order to withdraw the amount deposited to the credit of O.S.No.5229 of 2004 on the file of VII Assistant City Civil Court, Chennai by the appellant pursuant to the orders of this court and court below. The appellant will also give consent for the petitions filed by the respondent in order to withdraw the amounts credited to O.S.No.5229 of 2004 on the file of VII Assistant City Civil Court, Chennai.

For the reasons stated above, the appellant prays that this Hon'ble Court may be pleased to take this memo on record dismiss the above second appeal as withdrawn and refund fifty percent of the court fee paid to the appellant and thus render justice."

3. The learned Counsel for the appellant would submit that in view of the said memo, the second appeal may be disposed of as not pressed.

4. The said memo is recorded and the Second Appeal is accordingly dismissed as withdrawn. The Registry is directed to refund half of the court fee paid in this Second Appeal to the appellant. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

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Sub Assistant Registrar

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To

1.The VII Additional Judge,
City Civil Court, Chennai.

2.The VII Assistant Judge,
City Civil Court.

+1cc to Mr.K.Moorthy, Advocate, S.R.No.61517

S.A.No.589 OF 2008

SR(CO)
CA(27/11/2015)



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