



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

S.A. (MD) No. 774 of 2005

and

C.M.P. No. 5039 of 2005

1. Swamidasan

through his power of attorney,
the second petitioner herein

2. Swamikannu : Appellants/Appellants/Plaintiffs
(2nd Appellant is power of Attorney
of the 1st Appellant vide order dt. 08.07.2015
made in MP.1/15 in S.A.No.774/2005, by KKSJ)

Vs.

Subbiah : Respondent/Respondent/2nd Defendant

Prayer: Second Appeal is filed under Section 100 of Civil Procedure Code, to set aside the judgment and decree of the II Additional Subordinate Judge, Tirunelveli in A.S.No.26 of 2005, dated 12 April 2005, confirming the judgment and decree of the learned Additional District Munsif, Nanguneri, passed in O.S.No.911/1996 dated 23 December 2004.

For Petitioner : Mr. Swamidasan
Party-in-person

For Respondent : Mr. Subbiah
Party-in-person

ORDER

The second appeal is posted today for reporting settlement.

2. The appellants and the respondent have entered into a memorandum of settlement dated 13 July 2015 with certain terms and conditions. The memo of compromise reads thus:

"1. I am the 2nd petitioner herein and as such I am well acquainted with the facts of the case. I am filing this affidavit on behalf of the 1st petitioner



as well. I submit that this Hon'ble Court admitted the above second appeal on 24.08.2005.

2.I submit pending the above second appeal parties have amicably settled the issue in accordance with the terms stipulated in the compromise memo. Myself as well as the other parties have entered with compromise only on our own volition. The 1st Appellant has already sold the property to me and hence he has no interest in the property as on date. In these circumstances, this Hon'ble Court may be pleaded to pass a decree in accordance with the terms of compromise may be pleaded to pass a decree in accordance with the terms of compromise memo annexed with the petition."

3.The second appellant, who is also the power of attorney of the first appellant and the respondent are present in Court. Their identity is verified with reference to the ration card produced by the respondent and the voter's identity card produced by the second appellant. The compromise memo dated 13 July 2015 is taken on record.

4.There shall be a decree in terms of the memorandum of compromise dated 13 July 2015 in the place of the decree passed by the Court below.

5.The second appeal is disposed of pursuant to the compromise memo as indicated above. No costs. Consequently, connected C.M.P.No.5039 of 2005 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The II Additional Subordinate Judge,
Tirunelveli

2.The Additional District Munsif,
Nanguneri.

+1cc to Mr.S.T.Balamurugan, Advocate Sr.No. 38113
+1cc to Mr.M.P.Senthil, Advocate Sr.No.38168

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AA/04.09.2015/2p-5c

Order made in
S.A. (MD) No.774 of 2005 and
C.M.P.No.5039 of 2005
13.07.2015