



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.S.A (MD) No.18 of 2011

and

M.P (MD) No.1 of 2011

K.Manikam .. Appellant/Appellant/4th Respondent/3rd Party

vs.

1.S.Mani

2.Velammal

3.Mariselvam

4.Murugan

5.R.Sankarapandiyan .. Respondents/Respondents/petitioners and
respondents 1 to 3,5/Plaintiff,
Defendants 1 to 3,5

Prayer: This Petition filed under Order 43 Rule 1 r/w under Section 100 of Civil Procedure Code, to set-aside the order passed in C.M.A.No.2 of 2010, dated 30.11.2010 on the file of the Principal Sub Court, Tirunelveli confirming the Fair order and Decretal order passed in E.A.No.97 of 2008 in E.P.No.51 of 2007 in O.S.No.150 of 2005, dated 09.11.2009 on the file of the Principal District Munsif Court, Tirunelveli by allowing this Civil Miscellaneous Second Appeal.

For Appellant : Mr.D.Nallathambi

For R1 : Mr.T.Selvan

JUDGMENT

This appeal has been filed by the appellant to set-aside the order passed in C.M.A.No.2 of 2010, dated 30.11.2010 on the file of the Principal Sub Court, Tirunelveli confirming the Fair and Decretal order passed in E.A.No.97 of 2008 in E.P.No.51 of 2007 in O.S.No.150 of 2005, dated 09.11.2009 on the file of the Principal District Munsif Court, Tirunelveli.

2.Though notice was served on the respondents 2 to 5 and their names are printed in the cause list, they have not chosen to appear either in person or through counsel.

3.Both the counsel for the appellant and the first respondent submitted that the appellant and the first respondent have entered into a compromise and settled the matter. They filed a joint compromise memo to that effect. The said joint compromise memo, dated 09.03.2016 is recorded and shall form part of this order.



4. In view of the same, the Civil Miscellaneous Second Appeal is closed. No costs. Consequently, connected miscellaneous petition is dismissed.

WEB COPY

Sd/
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Tirunelveli.
2. The Principal District Munsif, Tirunelveli.

C.M.S.A.No.18 of 2011
22.04.2016

am

PA/PM-DP/23.05.2016/2P/3C

Encl: Copy of Joint Compromise Memo