

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.07.2017
CORAM:
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA.Nos.838 and 839 of 2015
and MP Nos.1 and 1 of 2015

1. B.Ravichandran
2. R.Vijayalakshmi
3. A.Padmavathi

...Appellants/Petitioners/
Defendants 2,4 &5
in CMA No.838/15

Saraswathi

...Appellant/Petitioner/
3rd Defendant
in CMA No.839/15

Vs

Venkidu @ Rajendiran

... Respondent/Plaintiff in
both the Appeals

These appeals are filed under Order 43 Rule 1(d) of C.P.C., against the fair and decretal orders dated 16.02.2015 in I.A.Nos.882 and 883 of 2012 in O.S.No.126 of 2008 respectively on the file of I Additional District & Sessions Court, Tirupur.

For Appellants : Mr.C.R.Prasanan
For Respondent : Mr.Karthikeyan

J U D G E M E N T

Both these appeals are directed against orders dismissing the applications filed by the defendants under Order 9 Rule 13 CPC to set aside the ex-parte decree passed in OS.No.126 of 2008 on the file of the Ist Additional District Judge, Tirupur.

2. The parties have filed a Joint Memo of compromise, in which it is stated that the parties have settled the matter outside the Court and to record the said settlement it is necessary to set aside the ex-parte decree dated 09.12.2010. The respondent has no objection for the appeals being allowed and the ex-parte decree dated 09.12.2010 being set aside.

3. It is useful to extract the terms of compromise in both the appeals as follows:

"They felt it essential to have the ex-parte decree set aside so that it is easier for them to proceed with the compromise talk. The respondent has

no objection for allowing the above CMA."

4. Recording the said compromise, these appeals are allowed. The ex-parte decree on 09.12.2010 in OS. No.126 of 2008 is set aside. The Joint Memos of compromise filed today shall perform part of the order. No costs. Consequently, the connected miscellaneous petitions are closed.

*herein enclose xerox copy of
memo of compromise

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jv
To

1.The I Additional District & Sessions Judge,
Tirupur.

2.The Section Officer
VR Section
High Court Madras

+2 cc to Mr.C.R.Prasanan Advocate sr 54099 & 54100

CMA.Nos.838 and 839 of 2015

rv(co)
aa03/08/2017

सत्यमेव जयते

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