

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

S.A.No.1432 of 2011

Swamidurai,

Rep. by his Power of Attorney

R.Balakrishnan

..Appellant/1st Respondent/Plaintiff

Vs.

1. The City Union Bank Ltd.,

Kurichi Branch,

Rep. by its Branch Manager,

1/40, Main Road, Kurichi Village,

Kumbakonam Taluk.

..1st Respondent/Appellant/

1st Defendant

2. Ramalinga Raja

..2nd Respondent/2nd Respondent/

2nd Defendant

Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 29.06.2011 in A.S.No.78 of 2009 on the file of the Additional Sub-Court, Mayiladuthurai, against the judgment and decree dated 28.08.2007 in O.S.No.122 of 2006 on the file of the Additional District Munsif, Mayiladuthurai.

For appellant :No appearance

For respondent:Mr.R.S.Varadarajan

for M/s.Ram and Rajan Associates for R-1

No appearance for R-2

JUDGMENT

During the last hearing of this Second Appeal on 03.04.2017 and also on 27.03.2017, it was represented by the learned counsel for the first respondent that the matter is settled between the parties pursuant to the out of Court settlement. It is stated by the learned counsel for the first respondent that the appellant has paid a sum of Rs.1.75 lakhs in full and final settlement. Learned counsel for the first respondent also stated that he has filed the copies of E.mail communications between the parties, wherein, the appellant has stated that he has paid the said amount to the first respondent-Bank, which has

also been duly accepted by the first respondent-Bank. As there is no representation for the appellant even today inspite of the fact that the Second Appeal is listed today under the caption "for dismissal", the Second Appeal is dismissed by recording the above submissions of the learned counsel for the first respondent-Bank. No costs.

Sd/-
Assistant Registrar(CCC)

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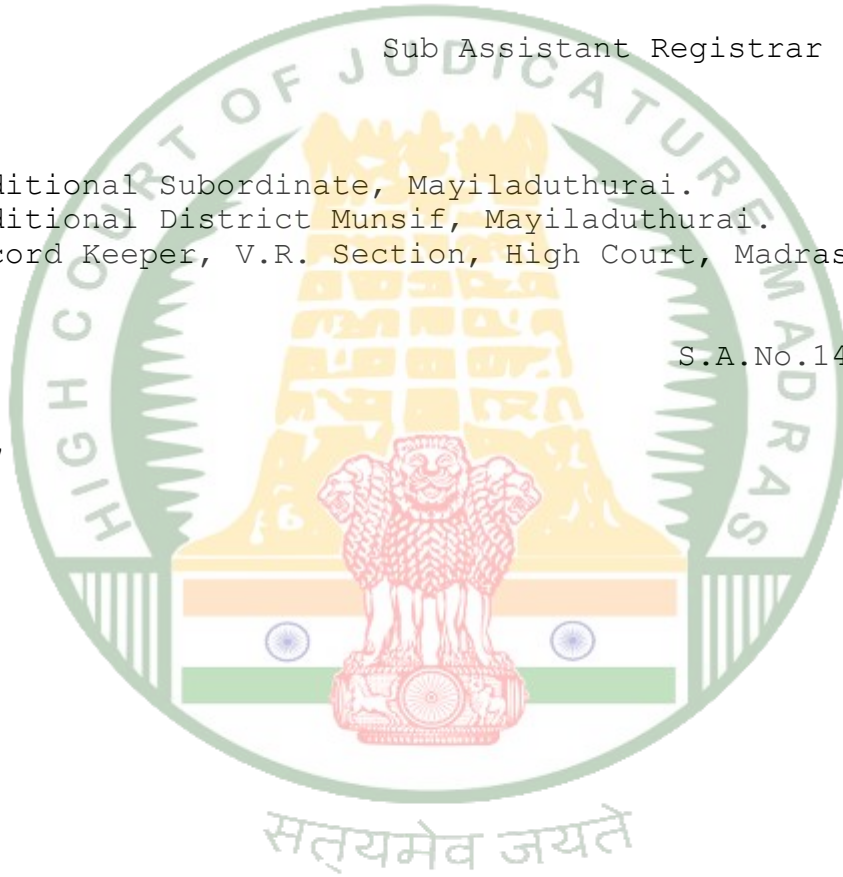
Sub Assistant Registrar

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Copy to

1. The Additional Subordinate, Mayiladuthurai.
2. The Additional District Munsif, Mayiladuthurai.
3. The Record Keeper, V.R. Section, High Court, Madras.

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