



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

S.A.(MD).No.323 of 2014 &
M.P.(MD).No.2 of 2014 &
C.M.P.(MD).No.2876 of 2016

Ramani

.. Appellant/Plaintiff

Vs.

Kalavathy

..Respondent/ Defendant

Prayer:-Second Appeal is filed under Section 100 of CPC against the judgment and decree dated 30.09.2011 on the file of the Principal Subordinate Court, Thanjavur in A.S.No.47 of 2010 reversing with the judgment and decree, dated 29.03.2010 on the file of District Munsif Court, Thanjavur in O.S.No.259 of 2003.

For Appellant :Mr.R.Rajaraman
For Respondent :Mr.G.Karnan

JUDGMENT

Challenging the Judgment and decree passed in A.S.No.47 of 2010 on the file of learned Principal Sub Judge, Thanjavur, reversing the judgment and decree passed in O.S.No.259 of 2003 on the file of learned District Munsif, Thanjavur, the plaintiff has filed the above second appeal.

2. The plaintiff filed the suit in O.S.No.259 of 2003 for permanent injunction. After trial, the Trial Court decreed the suit. Aggrieved over the judgment and decree of the Trial Court, the defendant preferred with an appeal in A.S.No.47 of 2010. The lower appellate Court set aside the judgment and decree of the Trial Court and allowed the appeal. Aggrieved over the judgment and decree of the lower appellate Court, the plaintiff has filed the above second appeal.

3. Heard Mr.R.Rajaraman, learned counsel for the appellant and Mr.G.Karnan, learned counsel for the respondent.

4. When the matter is taken up for hearing, the learned counsel on either side submitted that the parties had settled the matter and also entered into a joint memorandum of compromise,



5. The appellant and the respondent were also present in the Court and they also acknowledged the due execution of the Joint Memorandum of Compromise, dated 31.01.2017.

6. The learned counsel appearing for the respondent submitted that pursuant to the compromise entered into between the parties the appellant paid a sum of Rs.1,05,600/- by way of two Demand Draft, both drawn at Punjab National Bank, bearing D.D.No.723946 for a sum of Rs.55,600 and D.D.No.723947 for a sum of Rs.50,000/-, both dated 27.01.2017.

7. The learned counsel on either side submitted that the second appeal may be disposed of in terms of the compromise entered into between the parties.

8. In view of the submissions made by the learned counsel on either side, joint memorandum of compromise filed by the parties are taken on record and the second appeal is disposed of in terms of the joint memorandum of compromise dated 31.01.2017. The terms of the compromise shall form part of the decree in the second appeal. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Subordinate Judge, Thanjavur.
- 2.The District Musnif, Thanjavur.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Rajaraman,Advocate, Sr No.5149

+1cc to Mr.G.Karnan,Advocate, Sr No.5802

**Judgment made in
S.A. (MD) .No.323 of 2014 &
M.P. (MD) .No.2 of 2014 &
C.M.P. (MD) .No.2876 of 2016
31.01.2017**

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