

In the High Court of Judicature at Madras

Dated : 10.04.2018

Coram

The Honourable Mr.Justice R.SUBBIAH

and

The Hon'ble Mr.Justice P.D.AUDIKESSAVALU

A.S.No.386 of 2017

and

CMP.No.14418 of 2017

Indira Vadivelu

..Appellant/Defendant

..vs..

S.Mohana

..Respondent/Plaintiff

Appeal Suit has been filed under Order 41, Rule 1 r/w Section 96 of the Civil Procedure Code against the judgment and decree dated 23.02.2017 passed by the learned VII Additional Judge, City Civil Court, Chennai in O.S.No.11350 of 2010.

For Appellant : Mr.L.J.Vengatesh

For Respondent : Mr.A.Dhiraviyanathan

#### JUDGMENT

(Judgment of the Court was delivered by R. SUBBIAH, J.)

The appellant herein is the defendant in O.S.No.11350 of 2010, on the file of the learned VII Additional Judge, City Civil Court, Chennai. The respondent herein has filed the aforesaid suit against the appellant/defendant for the following reliefs:

(a)directing the defendant to pay to the plaintiff the sum of Rs.12,32,000/- (Rupees Twelve Lakhs Thirty Two Thousand Only) with further interest at 18% pa on the principal sum of Rs.8,00,000/- from the date of plaint till realization;

(b)passing a charge decree against the property of the defendant morefully described in the schedule; and

(c)directing the defendant to pay cost of the suit to the plaintiff.

The trial court, after analysing the oral and documentary evidence adduced by the parties, has decreed the suit on 23.02.2017. Aggrieved over the same, the appellant/defendant has filed the present appeal suit.

2.As agreed by both the parties, this Court, by order dated 20.11.2017, directed the matter to be listed before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for arriving at an amicable settlement.

3.Accordingly, when the matter was taken up for mediation

on 07.03.2018, on which date, both the appellant/defendant and the respondent/plaintiff have appeared in person; they have entered into a settlement in respect of their dispute between them; and they have also filed a memo of settlement dated 07.03.2018 signed by them along with their respective learned counsel on record, to that effect. Thereafter, the matter was sent back to this Court along with the mediation report dated 07.03.2018 enclosing the memo of settlement entered into by the parties.

4. On 10.04.2018, when the matter was taken up for consideration, both the appellant/defendant and the respondent/plaintiff appeared in person. When we enquired the parties about the factum of settlement and the terms of the settlement, they have admitted the same. We also perused the Memo of Settlement dated 07.03.2018 signed by both the parties. The terms of the said Memo of Settlement read as follows:

"(a) The appellant shall pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) towards full and final settlement to the respondent.

(b) In compliance with the above, the appellant paid Rs.8,00,000/- (Rupees Eight Lakhs Only) by way of two Demand Drafts of Rs.4,00,000/- each, drawn on Indian Bank, Jaffer Khanpet Branch vide

(i) DD No.834589 dated 01.02.2018 and

(ii) DD No.834854 dated 05.03.2018

to the respondent and the same is acknowledged by her.

Therefore, the above settlement may be recorded and pray that the appeal may be disposed with the orders of:

(i) Discharge of the appellant's property, which has been charged by the trial court by its decree dated 23.02.2017.

(ii) Directing the respondent to hand-over the settlement deed dated 05.03.2007 Doc.No.576/2007 which has been marked as Exhibit-A2 by the respondent/plaintiff in trial court to the appellant's counsel; and

(iii) Refund of full court fee paid in the appeal to the counsel for the appellant."

5. Recording the same, this Appeal Suit is disposed of in terms of the aforesaid memo of settlement dated 07.03.2018 entered into between the parties. The memo of settlement dated 07.03.2018 shall form part of the decree. The Registry is directed to refund the court fee to the learned counsel for the

appellant as contemplated under Section 69A of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

rk

To

The VII Additional Judge/  
City Civil Court,  
Chennai.

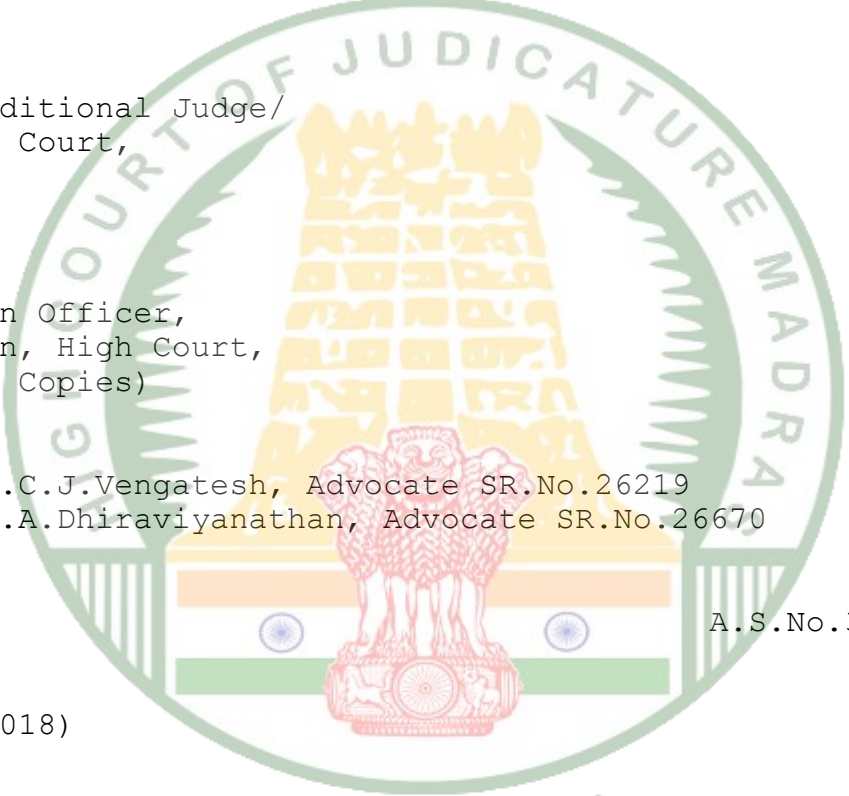
Copy TO

The Section Officer,  
VR Section, High Court,  
Madras. ( 2 Copies)

+2cc to Mr.C.J.Vengatesh, Advocate SR.No.26219  
+1cc to Mr.A.Dhiraviyanathan, Advocate SR.No.26670

A.S.No.386 of 2017

MP (CO)  
GN (04/06/2018)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a background of horizontal stripes in orange, white, and green, with a red border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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