

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.11.2018
CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
S.A.No.2194 of 2002
and
C.M.P.No.19115 of 2002

- 1.C.S.Balakandan (Died)
- 2.C.S.Arumugham (Died)
- 3.Theedha Ammal
- 4.C.S.Murugesan
- 5.C.S.Parameswaran
- 6.S.Siddha @ Palaniammal
- 7.Mallika @ Srimathy
- 8.Uma
- 9.B.Gopalakrishnan
- 10.B.Sathiyathan
- 11.B.Karthikeyan

(Appellants 9 to 11 brought on record as LRS of the deceased 1st appellant viz., C.S.Balakandan vide order dated 26.07.2018 in C.M.P.No.12789 to 12791/2018 in S.A.No.2194/2002)

- 12.A.Indira
- 13.S.A.Nirmala
- 14.A.Somasundara Raja
- 15.A.Vinodh

(Appellants 12 to 15 brought on record as LRS of the deceased 2nd appellant viz., C.S.Arumugham vide order of Court dated 26.07.2018 in C.M.P.No.12788, 12792 & 12793/2018 in S.A.No.2194/2002)

...Appellants

Vs.

- 1.T.Rangasamy (Died)
- 2.R.Jagadeesan
- 3.R.Saravanan
- 4.R.Usha

...Respondents

R2 to 4 are recorded as LRS of the decd.R1 vide order dated 13.11.2018 in SA.2194/02.

Prayer: Second Appeal filed under section 100 of the Code of Civil Procedure against the decree and judgment dated 24.07.2002 of the learned First Additional District Judge-cum-Chief Judicial magistrate, Coimbatore, in the First Appeal No.57/2001 Preferred against

the decree and judgment dated 19.12.1996 of the learned III Additional Subordinate Judge of Coimbatore in O.S.No.567 of 1988.

For Appellants Mr.V.Raghupathi

For Respondents : Mr.T.R.Rajaraman for R1 to R4

JUDGMENT

The respective learned counsels appearing on behalf of the appellants as well as the respondents jointly made a submission that the issues between the parties to the present lis had been settled.

2.The respondents had sent a letter to the learned counsel appearing for the respondents, stating that they have no objection for allowing the Second Appeal in view of the settlement arrived between the parties. Such a letter submitted in order to restore the judgment and decree passed by the Trial Court in O.S.No.567/1988. In view of the settlement arrived between the parties and further based on the letter submitted before this Court by the learned counsel appearing on behalf of the respondents, this Court is inclined to allow the Second Appeal.The memo filed by the appellants stating that the 1st Respondent MR.T.Rangaswamy has died is accepted.

3.Accordingly, the judgment and the decree passed in A.S.No.57 of 2001 dated 24.07.2002 by the First Additional District Judge-cum-Chief Judicial magistrate, Coimbatore and the judgment and decree in O.S.No.567/1988 dated 19.12.1996 passed by the learned III Additional Subordinate Judge of Coimbatore are both set aside.

4.Accordingly, the second appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The First Additional District
Judge-cum-Chief Judicial magistrate,
Coimbatore.

2.The III Additional Subordinate Judge,
Coimbatore.

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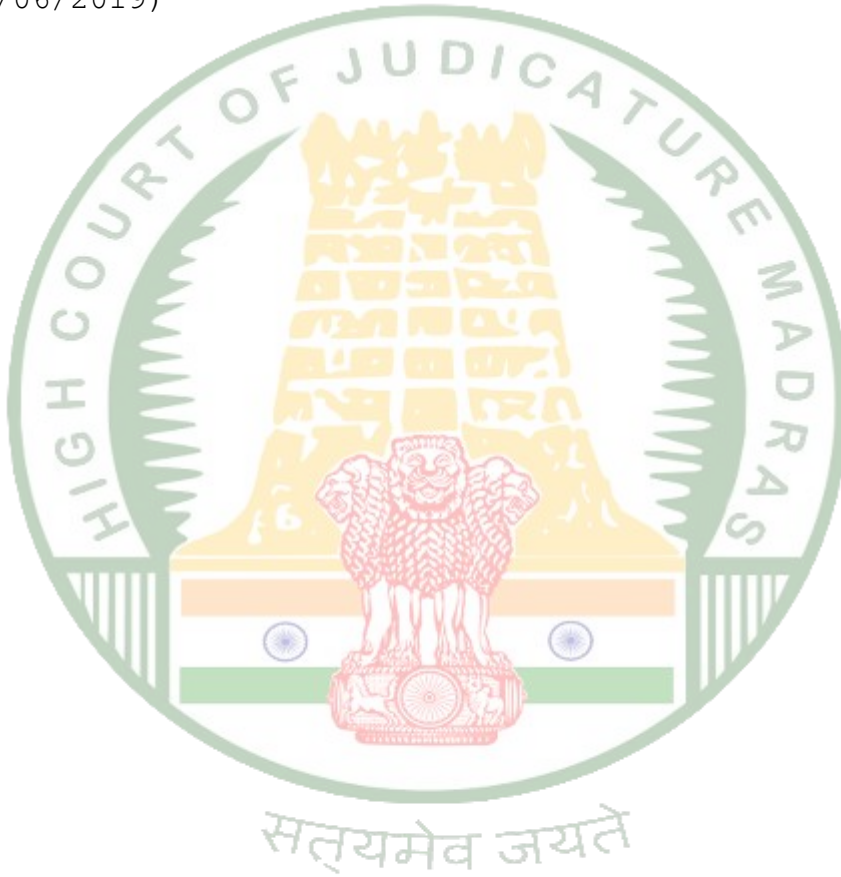
The Section Officer
VR Section, High Court
Madras.

+lcc to Mr.V.Raghupathi , Advocate SR.No. 77302

+lcc to Mr.T.R.Rajaraman , Advocate SR.No. 77535

SA.No.2194 of 2002

A.SK(11/06/2019)



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