

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2018

CORAM :

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

C.M.A.No.1313 of 2017

and

C.M.P.Nos. 6773 and 21024 of 2017

1.Jayabalan

2.Saraswathi

...Appellants/Petitioners/
Appellants

Vs.

Rukkumani

...Respondent/Respondent/
Respondent

Payer: Civil Miscellaneous Appeal filed under Section 104 Read with O.XLIII R.1 of Code of Civil Procedure, to set aside the fair order and decretal order of the Learned Principal District Judge, Puducherry dated 08.02.2017 passed in I.A.No.2051 of 2016 in A.S.No.1 of 2012 and thus allow the civil miscellaneous appeal.

For Appellants : Ms.G.Sumitra

For Respondent : Mr.K.Sasindran

O R D E R

The present appeal has been preferred by the defendants against whom the respondent herein had filed appeal suit for recovery of Rs.1,23,200/- with subsequent interest of Rs.80,000/- at the rate of 18% per annum.

2.The said suit was decreed on 29.08.2011. The appellant/defendants filed appeal in A.S.No.1 of 2012 before the Principal District Court, Pondicherry and the same was dismissed for non prosecution on 6.4.2013. To restore the dismissed appeal suit, the appellant filed restoration petition along with a condone delay petition. The said petition was also dismissed on 08.02.2017 and aggrieved over the said dismissal order, the appellants/defendants are before this court.

3.When the matter is called today, i.e., 22.03.2018, the second appellant, who is the wife of the first appellant and the respondent are present before this court. They categorically stated that the matter has been settled amicably between them for a sum of Rs.1,60,000/- and they also filed a joint memo of compromise signed by the appellants as well as the respondent, counter signed by their respective counsels.

4.It is also submitted by the parties, that a sum of Rs.50,000/- has already been deposited by the appellant in the E.P proceedings pending before the trial Court. Therefore, the balance amount of Rs.1,10,000/- is to be paid by the appellant within three months as agreed in paragraph 3 (b) of the joint memo of compromise.

5.In view of the statements made by the appellants and the respondent before this court and the joint memo of compromise filed by the parties, the appeal is disposed of in the following terms :-

(1)The appellants shall pay Rs.1,10,000/- in terms of the joint memo of compromise, within three months from today.

(2)A sum of Rs.50,000/- which the appellants had deposited before the Executing Court shall be paid to the respondent by the Executing Court.

(3)Since the matter has been settled, the appellants are entitled to refund of 50% of court fee. No costs. Consequently, connected civil miscellaneous petitions are closed.

maya

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Principal District Judge, Puducherry

+1cc to Mrs.G.Sumitra, Advocate Sr.No.21738

+1cc to Mr.K.Sasindran, Advocate Sr.No.21748

SSD(CO)

sm:18.4.2018

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and
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