

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.2164 of 2001

Kuppusamy Pillai

..Appellant/1st Defendant

Vs.

1.Arumugam

..1st Respondent/Plaintiff

2.Mani

..2nd Respondents/2nd Defendant

PRAYER: The Second Appeal has been filed under Section 100 of C.P.C., to set aside the Judgment and Decree dated 30.03.2001 made in A.S.No.2/2001 on the file of Sub Court, Madurantakam reversing the Judgment and Decree dated 26.09.2000 made in O.S.No.88/1997 on the file of the District Munsif Court, Madurantakam.

For Appellant : M/s.M.S.Subramanian

For Respondents: M/s. A. Muthukumar (for R1)
No appearance (for R2)

J U D G M E N T

Learned counsel for the first respondent would submit that the first respondent has filed a suit in O.S.No.88/1997 seeking for declaration and permanent injunction, which resulted in the dismissal of the same by the lower court. However, on appeal, the lower appellate court in A.S.No.2/2001, has allowed the appeal. As against the reversal order, the first defendant/appellant herein has filed the present second appeal.

2. Learned counsel appearing for the first respondent has filed a memo stating that the appellant executed a Registered Settlement Deed dated 22.12.2009 vide document No.5483/2009 on the file of the Sub-Registrar, Madurantagam in favour of the first respondent and he was put in possession of 11,554 Sq.ft of the suit property.

3. The memo filed by the learned counsel for the first respondent is taken on record.

4. In view of the settlement deed, the matter was comprised between the appellant and the first respondent. Hence, nothing survives for further adjudication in this case.

In the result, the second appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Subordinate Judge,
The Subordinate Court,
Madurantakam.
2. The District Munsif,
Madurantakam.

Copy to:

The Section Officer,
V.R. Section,
High Court, Madras.

- + 1 cc to Mr.M.S. Subramanian, Advocate Sr.19464
+ 1 cc to Mr. A. Muthukumar, Advocate Sr.19822

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EV(CO)
EU(10/04/2018)

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