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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

S.A.(MD)No.484 of 2017 and
C.M.P.(MD)No.10202 of 2017

Arjunan ... Appellant/Appellant/
Plaintiff

Vs.

Thirupathi Gounder(died)

1. Kamakkal
2. S.Govindammal
3. Nagalakshmi
4. P.Panchavarnam
5. J.Jeyamani @ Jeya

Murugesan @ Murugan(died)

6. T.Ponnammal
7. T.Seenivasan
8. T.Kamalakannan @ Kannan
9. V.Amsavalli

...Respondents/Respondents/
Defendants

Prayer: Second Appeal is filed under Section 100 of Civil Procedure Code, against the Judgment and Decree, dated 28.01.2012 made in A.S.No.138 of 2007 on the file of the learned Additional Subordinate Judge, Dindigul, confirming the Judgment and Decree, dated 28.02.2007 made in O.S.No.363 of 2002 on the file of the learned Principal District Munsif, Dindigul.

For Appellant : Mr.S.Sukumar,
for M/s.VS.Karthi Associates.

For R-1 : Mr.M.P.Senthil

JUDGMENT

This Second Appeal is filed against the Judgment and Decree passed by the learned Additional Subordinate Judge, Dindigul, in A.S.No.138 of 2007, dated 28.01.2012, confirming the Judgment and Decree, dated 28.02.2007 made in O.S.No.363 of 2002 on the file of the learned Principal District Munsif, Dindigul.



2. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the first respondent.

3. The plaintiff who has filed a Suit in O.S.No.363 of 2002 before the learned Principal District Munsif, Dindigul, is the appellant in this Second Appeal. The Suit filed by the plaintiff was dismissed and the same was confirmed by the lower Appellate Court. Aggrieved by the same, the above Second Appeal has been filed.

4. Today, the learned counsel for the appellant filed a memo stating that the appeal may be dismissed as withdrawn. However, in the memo, it is stated that there is a settlement reached between the parties out of Court and that therefore, the appellant is withdrawing this Appeal without any reservation. However, the learned counsel for the first respondent submitted that there was no settlement to their knowledge and that there are other Suits pending between the parties before the lower Court. Hence it is submitted that the Appeal may be dismissed as withdrawn unconditionally and that this Court may not record any settlement.

5. The learned counsel for the appellant however submits that the memo may be accepted and the Appeal may be dismissed as withdrawn unconditionally without any reservations.

6. Hence, the Second Appeal is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge,
Dindigul.

2. The Principal District Munsif,
Dindigul.

+1cc to Mr.V.S.KARTHI, Advocate, SR.43426

+1cc to Mr.M.P.SENTHIL, Advocate, SR.43394

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PMU