



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

S.A.(MD)No.499 of 2017

and

C.M.P.(MD)No.10657 of 2017

S.D.Viswasam : Appellant / Respondent / Defendant

-Vs-

Ganesan : Respondent / Appellant / Plaintiff

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 19.04.2017, made in A.S.No.22 of 2016, on the file of I Additional District Judge, Madurai, reversing the judgment and decree dated 13.04.2016, made in O.S.No.615 of 2013, on the file of the Principal Sub Court, Madurai.

For Appellant

:Mr.K.Chengiz Khan

For Respondent

:Mr.T.R.Subramanian

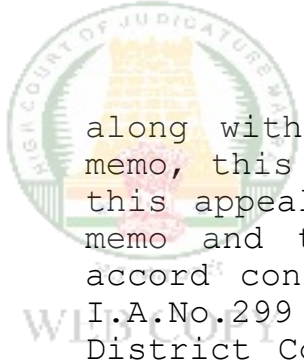
JUDGMENT

The defendant in the suit in O.S.No.615 of 2013, on the file of the Principal Sub Court, Madurai, is the appellant in this second appeal.

2.It appears that the respondent filed a suit for recovery of a sum of Rs.3,42,000/- from the appellant herein. Though the suit was dismissed by the trial Court by judgment and decree dated 13.04.2016, it is stated that the appeal filed by the plaintiff in A.S.No.22 of 2016 was decreed as prayed for.

3.It appears that during the pendency of the appeal, the parties have amicably settled the matter out of Court. It is also stated that the plaintiff / respondent has received a sum of Rs.2,00,000/- (Rupees Two Lakh) towards full settlement of the whole claim, for which the suit came to be filed. The parties have mutually agreed that the appellant will be at liberty to release the attachment of suit property as per the order in I.A.No.299 of 2016 in A.S.No.22 of 2016, by the learned I Additional District court, Madurai.

4.The appellant and the respondent have produced before this Court, the joint compromise memo, dated 13.04.2018, signed by them



along with their Counsels. Having regard to the joint compromise memo, this Court is inclined to dispose of this appeal. As a result, this appeal is disposed of in terms of the joint compromise memo and the respondent shall co-operate with the appellant and accord consent to release the attachment of the suit property in I.A.No.299 of 2016 in A.S.No.22 of 2016, by the learned I Additional District Court, Madurai. The Joint Compromise Memo shall form part of this judgment. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

ENCL:XEROX COPY OF JOINT COMPROMISE MEMO

To

1.I Additional District Judge, Madurai.

2.The Principal Sub Court, Madurai.

Copy to:

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1cc to Mr.K.CHENGIZKHAN, Advocate, SR.No.61598

S.A.(MD)No.499 of 2017
16.04.2018

CMR

KK/SV MMS/25.04.2018/SAR-1/2P-6C