

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

SA.No.65 of 2001

Kuppammal

...Appellant/Respondent 4/Defendant 4

Vs.

1.Anbazhagan(died)
2.Palaniyandi
3.Jothi
4.Sivagami
5.Anbazhagy
6.Aburoovam
7.Anjalai
8.Arumugam
9.A.Mangayarkarasi
10.A.Gurubalan
11.S.Amudavalli
12.R.Senthamiz
13.R.Unnamalai

...Respondents

RR9 to 13 brought on record as LR's of deceased R1 vide order of court dated 17.06.2014 made in CMP.No.1225 to 1227 of 2011

PRAYER:

The Second Appeal is filed under Section 100 of CPC against the judgment and decree dated 30.06.2000 made in AS.No.12 of 1999, on the file of II Additional District Judge, Pondicherry reversing the judgment and decree dated 31.07.1997 made in OS.No.136 of 1991 passed by the learned Additional Sub-Judge, Pondicherry.

For Appellant : Mr.P.Rajendran
For Respondents
For R9, 11 to 13 : Mr.R.Gowthamanarayanan
: R2 to R8 dismissed vide court
order dated 08.12.2009

JUDGMENT

This second appeal is filed against the judgment and decree dated 30.06.2000 made in AS.No.12 of 1999, on the file of II Additional District Judge, Pondicherry reversing the judgment and decree dated 31.07.1997 made in OS.No.136 of 1991 passed by the learned Additional Sub-Judge, Pondicherry.

2.The learned counsel appearing for the appellant as well as the respondents submitted that the matter has been settled between the parties before the Mediation and Conciliation Centre and they also entered into joint compromise memo on 26.11.2019, which is extracted hereunder:

"1.The Appellant has agreed to pay Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) to the respondents 9 to 13 and the said respondents have agreed to receive the said sum of Rs.275000/- (Rupees Two Lakhs Seventy Five Thousand only) from the Appellant in full and final settlement of all their claims in the above S.A.No.65 of 2001 and the concerned Appeal Suit and Original Suit. As per this agreement, the Appellant has handed over Demand Draft No.511772 dated 22.11.2019 drawn on Punjab National Bank, Kamaraj Salai, Pondicherry in favour of Mrs.A.Mangayarkarasi, the 9th respondent representing the respondents 9 to 13 in the appeal and the said respondents have signed this Joint Compromise Memo acknowledging the receipt of the said sum of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) by the said Mrs.A.Mangayarkarasi on behalf of respondents 9 to 13. The 10th respondent authorised the 9th respondent to receive the above said amount and acknowledge the same.

2.The Appellant shall pray for dismissal of above SA.No.65 of 2001 as settled out of Court.

3.The above said respondents 9 to 13 in the above appeal have no objection for refund of full court fee to the appellant in the above appeal as per rules."

3.Recording the joint compromise memo dated 26.11.2019 entered between the parties, which shall form part and parcel of this order, this second appeal is disposed of. No costs.

4.It is also noted that the appellant is entitled for refund of the court fees, since the matter has been settled between the parties before the Mediation and Conciliation Centre.

* Xerox Copy of Joint Memo of Compromise enclosed

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The II Additional District Judge,
Pondicherry
- 2.The Additional Sub-Judge,
Pondicherry.
- 3.The Section Officer,
V.R.Section, Madras.

SA.No.65 of 2001

GJ(CO)
KKV/09/12/2020



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