

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

S.A.No.1041 of 2009
and MP.No.1 of 2009

Kannaiyan

... Appellant

Vs

Shanmuga Mudaliar

.... Respondent

Prayer :- Second Appeal filed under Section 100 of CPC, against the judgment and decree of the Subordinate Judge's Court at Ariyalur dated 08.12.2008 in A.S.No.56 of 2006 reversing the judgment and decree of the District Munsif Court at Jayankondam, dated 23.09.2005 in O.S.No.117 of 1999.

For Appellant : Mr.P.Valliappan
For Respondent : Mr.T.R.Rajaraman

JUDGMENT

The suit was laid by the plaintiff for recovery of 3 cents out of a larger extent of 1.44 acres in Survey No.360/8. The suit was dismissed and the plaintiff preferred first appeal before the Sub Court, Ariyalur in A.S.No.56 of 2006. The first appellate Court allowed the appeal. The unsuccessful defendant has now come forward in this appeal.

2. The learned counsel for the respondent submitted that the matter has been amicably settled between the parties whereby the plaintiff/respondent (Shanmuga Mudaliar) has to part with 10 cents to the appellant/defendant (Kannaiyan) for a consideration of Rs.40,000/- to be paid by the appellant.

3. The learned counsel for the appellant submitted that there is no written communication from his client till date about the compromise, though he too had come to know from other sources that a compromise appeared to have entered in.

4. Now recording the statement of the learned counsel for the respondent, this Court considers that nothing survives in this appeal. Necessarily, the appeal has to be disposed of as settled out of Court. If however, the agreement relied on by the counsel for the respondent is shown to be a false document, then the appellant will have every right to revive this appeal in the manner provided in law.

5. In the result, this second appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Subordinate Court
Ariyalur.

2.The District Munsif Court
Jayankondam.

3.The Section Officer
VR Section, High Court, Madras.

+1cc to Mr.P.Valliappan, Advocate sr.51418

S.A.No.1041 of 2009

ss(co)
nr 03/09/2019

WEB COPY