

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2019

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

S.A.No.185 of 2010
and MP.No.1 of 2010

Erusan

... Appellant/Plaintiff

Vs

Kaliyaperumal

.... Respondent/Defendant

Prayer :- Second Appeal filed under Section 100 of CPC, against the judgment and decree dated 21.01.2009 passed in A.S.No.35 of 2008 on the file of the Principal District Court, Villupuram District, Villupuram, reversing the well considered judgment and decree dated 24.06.2008 passed in O.S.No.110 of 2005 on the file of the Subordinate Court, Kallakurichi and to set aside the same and decree the suit.

For Appellant : Mr.K.A.Ramakrishnan

For Respondent : Mr.P.Valliappan

JUDGMENT

The appellant is the plaintiff in a suit for specific performance in O.S.No.110 of 2005 on the file of Sub Court, Kallakurichi. The suit was decreed by the trial Court and reversed by the first Appellate Court Vide its order dated 21.01.2009 in A.S.No.32 of 2008.

2. Today, the appellant has filed a memo dated 05.10.2018, stating that the matter has been amicably settled between the parties and that the appellant is not pressing the appeal.

3. The learned counsel for the appellant/plaintiff would submit that part of the sale consideration is deposited in the Court by the appellant, pursuant to the decree passed by the Court below. In view of the settlement arrived at, the appellant/plaintiff would be entitled to obtain the same from the concerned Court. The learned counsel for the respondent endorsed the same.

4.The memo is recorded and the appeal is dismissed in terms of the memo filed by the parties. No costs. The appellant would be entitled to withdraw the sum of Rs.20,000/- with any accrued interest thereof from the trial Court. Consequently, connected miscellaneous petition is closed.

*The Xerox Copy of the
Memo of Compromise enclosed

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Principal District Judge
Villupuram District
Villupuram.
- 2.The Subordinate Judge
Kallakurichi.

COPY TO

The Section Officer
VR Section, High Court, Madras.

+1cc to M/S.P.Valliappan, Advocate sr.2546
+1cc to M/S.K.A.Ramakrishnan, Advocate Sr.2381

WEB COPY

S.A.No.185 of 2010

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srg 01/04/2019