

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS. JUSTICE T. KRISHNAVALLI

Appeal Suit No. 540 of 2018

1. P. Natarajan

2. N. Lakshmi ... Appellants / Defendants 1 and 2

Versus

1. M. Senthilraj

2. M. Amirtharaj ... Respondents 1 and 2 /
Plaintiff 1 and 2

3. The South Indian Bank Limited
represented by its Branch Manager
Maraparai Branch
Door No.2/28, K.V.R. Building
Maraparai, Vaiyappamalai Post
Tiruchengode Taluk
Namakkal District ... 3rd Respondent / 3rd Defendant

Appeal filed under Section 96 read with Order 41 Rule 1 and 2 of The Code of Civil Procedure to set aside the Judgment and Decree dated 28.10.2011 passed in O.S. No. 133 of 2008 on the file of Additional District Judge (Fast Track Court) Namakkal.

For Appellants : Mr. V. Ravi

For Respondents : Mr. V. Raghavachari for R1 and R2

JUDGMENT

(Judgment of the Court was delivered by R. SUBBIAH, J)

The learned counsel appearing for the appellant seeks to withdraw this Appeal Suit inasmuch as the dispute has been settled between the appellants/defendants and the plaintiffs 1

and 2/respondents 1 and 2 herein. He has also made an endorsement to that effect. That apart, a Memo dated 25.07.2019 has been filed enclosing the copy of the letter dated 12.07.2019 written by the appellants to the learned counsel for the appellant requesting him to withdraw this appeal suit. In the Memo dated 25.07.2019, it was further stated that in view of the settlement of dispute between the parties, while permitting the appellants to withdraw this appeal suit, the court fee paid by the appellants may be refunded as per the Appellate Side Rules besides permitting the appellants to withdraw the amount of Rs.30,00,000/- deposited by them before the trial court to the credit of the suit in O.S. No. 133 of 2008 on the file of the learned Additional District Judge (Fast Track Court) Namakkal.

2. The learned counsel for the respondents 1 and 2 has no objection for the appellants to withdraw the appeal and also permitting them to withdraw the sum of Rs.30,00,000/- deposited to the credit of O.S. No. 133 of 2008 before the trial court.

3. Having regard to the above submission of the learned counsel for both sides, by recording the Memo dated 25.07.2019 filed by the counsel for the appellants indicating that the dispute between the appellants and the respondents 1 and 2 has been settled out of Court, the Appeal Suit is dismissed as settled out of Court. It is needless to mention that the appellants are entitled for refund of Court fee paid in this appeal as per Law. The appellants are also permitted to withdraw the sum of Rs.30,00,000/- which they have deposited to the credit of O.S. No. 133 of 2008 on the file of the learned Additional District Judge (Fast Track Court) Namakkal. No costs. Consequently, CMP No. 13746 of 2018 is closed.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

rsh

To

1) The Additional District Judge,
(Fast Track Court),
Namakkal.

2) The Branch Manager,
The South Indian Bank Limited
Maraparai Branch
Door No.2/28, K.V.R. Building
Maraparai, Vaiyappamalai Post
Tiruchengode Taluk
Namakkal District

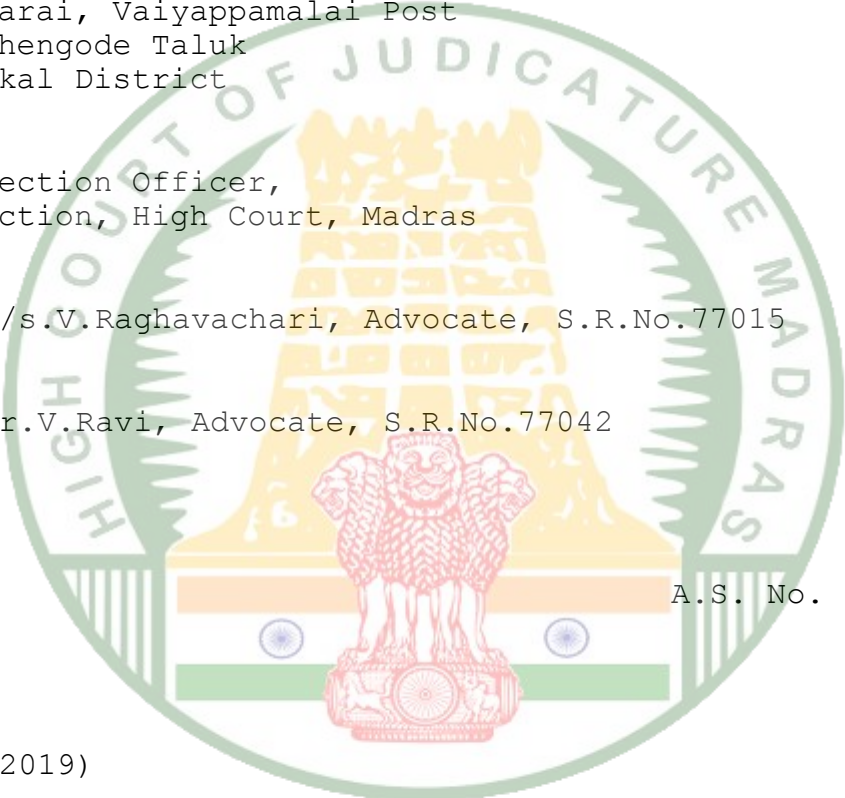
3) The Section Officer,
VR Section, High Court, Madras

+1 cc to M/s.V.Raghavachari, Advocate, S.R.No.77015

+1 cc to Mr.V.Ravi, Advocate, S.R.No.77042

Judgment in
A.S. No. 540 of 2018

RJI (CO)
SSM(20/09/2019)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a background of green and white stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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