



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **18.11.2019**
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

S.A(MD)No.453 of 2013
and
M.P(MD)No.1 of 2013

1.S.Esakkiammal
2.S.Sivaraman

.. Appellants /Respondents/Defendants

Vs.

P.Ganeshbabu

.. Respondent/Appellant/ Plaintiff

PRAYER: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree, dated 28.01.2003, made in A.S.No.55 of 2012 on the file of the Third Additional District and Sessions Court, Tirunelveli, reversing the judgment and decree, dated 25.01.2012, made in O.S.No.75 of 2003 on the file of the Additional Sub Court, Tenkasi.

For Appellants : Mr.K.P.Narayanakumar
For Respondent : Mr.T.Bashyam

JUDGMENT

The Judgment and decree passed in A.S.No.55 of 2012 on the file of the Third Additional District and Sessions Court, Tirunelveli, are being challenged in the present second appeal.

2.The respondent / plaintiff filed the suit in O.S.No.75 of 2003 for recovery of money. The Trial Court dismissed the suit. Against which, the respondent / plaintiff filed A.S.No.55 of 2012 before the first appellate Court. The first appellate Court allowed the appeal setting aside the Judgment and decree passed by the Trial Court and ultimately decreed the suit as prayed for. Against the Judgment and decree passed by the first appellate Court, the appellant / defendant has filed this second appeal.

3.By order dated 25.03.2019, this Court referred the matter to the Medication and Conciliation Centre, attached to this Bench. Today, it is represented by the learned counsel for both sides that the matter has been settled between the parties. As per the Settlement Agreement annexed with the report of the Mediation and Conciliation Centre, dated 12.07.2019, the following settlement has been arrived at between the parties:



"1)The Appellants agreed to settle the amount of Rs.4,75,000/- (Rupees Four lakhs and seventy five thousand only) to the Respondent Ganesh Babu by depositing the same in his account number (State Bank of India Account No.67211009371) on 30.08.2019.

(ii)The Respondent agreed to accept the same".

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4.Both the learned counsel would submit that both the appellants / defendants and the respondent / plaintiff have settled their disputes in accordance with the terms mentioned in the Settlement Agreement. In the Settlement Agreement, both the parties along with their counsel have signed, accepting the terms of compromise.

5.The learned counsel for the appellants / defendants would submit that as per the Settlement Agreement, the appellants / defendants have already deposited a sum of Rs.4,00,000/- in the respondent's account, which was accepted by the learned counsel for the respondent / plaintiff. The learned counsel for the appellants / defendants has also handed over a demand draft for a sum of Rs.75,000/- to the learned counsel for the respondent / plaintiff, before this Court, which was also received by him. Under the said circumstances, this Second Appeal is disposed of in accordance with the terms mentioned in the Settlement Agreement. The Settlement Agreement annexed with the report of the Mediation and Conciliation Centre, dated 12.07.2019, shall form part of the decree.

6.At this juncture, the learned counsel for the appellants / defendants would bring to the notice of this Court that while this Court granting an order of interim stay, vide order, dated 21.01.2015, directed the appellants / defendants to deposit a sum of Rs.50,000/- [Rupees fifty thousand only] to the credit of O.S.No.75 of 2003 on the file of the Trial Court and the appellants / defendants have also deposited the same before the Trial Court and the said amount has been deposited in an interest bearing account and now, he would request that the said amount may be refunded to the appellants / defendants with interest, if any, accrued thereon, for which, the learned counsel for the respondent / plaintiff has got no objection. In view of the same, the Trial Court is directed to refund the deposit made by the appellants / defendants, pursuant to the interim order, dated 21.01.2015, passed by this Court, with accrued interest, if any. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //



1.The Third Additional District and Sessions Judge,
Tirunelveli.

2.The Additional Sub Judge,
Tenkasi.

Copy to:
The Record Keeper,
V.R. Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.P. NARAYANA KUMAR, Advocate (SR-99311[F] dated
19/11/2019)

**JUDGMENT MADE IN
S.A(MD)No.453 of 2013
18.11.2019**

MK (26.12.2019) 3P 6C