



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

S.A. (MD) No.764 of 2011
and
M.P. (MD) No.2 of 2011

K.Vanjiyappan

... Appellant/ Appellant/
4th defendant

versus

1. A.Vanjammal

... 1st Respondent/ 1st respondent
/3rd plaintiff

2. Periya Ramasamy

3. P.Vanjiyappan

4. K.Ponnusamy

...Respondents 2 to 4/Respondents 2 to 4/
Defendants 1 to 3

Second Appeal filed under Section 100 of C.P.C. against the Judgment and Decree dated 22.12.2010 made in A.S.No.59 of 2009 on the file of the Sub Court, Palani, Dindigul District, confirming the Judgment and Decree dated 14.09.2009 made in O.S.No.31 of 2008 on the file of the learned District Munsif Court, Oddanchathiram, Dindigul District.

For Appellant : Mr.T.Lenin Kumar

For Respondents : Mr.D.Venkatesh for R1
No appearance for R2, R3 and R4

JUDGMENT

This second appeal is preferred against the Judgment and Decree dated 22.12.2010 made in A.S.No.59 of 2009 on the file of the Sub Court, Palani, Dindigul District.

2. During the pendency of this appeal, considering the facts and circumstances of this case, this appeal was referred to the Mediation and thereafter, the dispute between the appellant and the first respondent was successfully settled in the Mediation. In this



regard, a joint compromise memo, recorded by the Mediator, was placed before this Court along with the report sent by the Mediator.

3. Today, when the appeal is taken up for consideration, the appellant K.Vanjiyappan and the first respondent A.Vanjammal are present before this Court. The terms of compromise recorded in the mediation was red over to them and the same was accepted by the appellant and the first respondent.

4. It is submitted by either side that respondents 2 to 4 remained ex parte before the First Appellate Court.

5. In view of the above, the decree is passed in terms of compromise arrived at between the appellant and the first respondent. The joint compromise memo filed by either side is a form part of the decree.

6. Accordingly, the second appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Subordinate Judge,
Palani,
Dindigul District,

2. The District Munsif,
Oddanchathiram,
Dindigul District.

Copy to: The Record Keeper,
VR Section,
Madurai Bench of Madras High court,
Madurai.(2 Copies)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-62966[F] dated 26/04/2019
+1 CC to M/s.D.VENKATESH, Advocate (SR-63929[F] dated 29/04/2019

S.A. (MD) No.764 of 2011
26.04.2019

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