

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

S.A.No.166 of 2018
and C.M.P.No.4355 of 2018

R.Lakshmi Ammal

.. Appellant

Vs.

1. R.Rajasekar
2. Minor Karthik
3. Minor R.Deepa
4. D.Rajendiran

.. Respondents

*[Minor Respondents 3 and 4 rep. by their
next friend & natural guardian mother
Geetha w/o. Rajasekar]

Prayer : Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree dated 09.10.2017 in A.S.No.1 of 2016 passed by the learned Additional District Court-II, Chidambaram reversing the judgment and decree dated 14.10.2015 passed in O.S.No.25 of 2010 by the learned Subordinate Judge, Chidambaram.

For Appellant : M/s.S.Thamarai Kannan
For Respondents : Mr.T.S.Baskaran, for R4

JUDGMENT

The learned counsel for the appellant as well as the learned counsel for the respondents would submit that the dispute between the parties have been amicably settled before the Tamil Nadu, Mediation and Conciliation Centre, High Court, Madras. The Mediation Centre has produced mediation report dated 20.01.2020, enclosing the joint memo of compromise between the parties dated 20.01.2020 signed by both the parties and their counsels. The terms of the compromise reads as follows:

i) The appellant received a total sum of Rs.3,10,000/- by way of Demand Draft (2 Nos.) vide DD.No.351510, dated 11.12.2019 for a sum of Rs.1,80,000/- and vide D.D.No.882763 dated 12.12.2019 Rs.1,30,000/- in total Rs.3,10,000/- from the respondents towards full and final settlement of her claim in respect of the suit sale agreement dated 24.06.2009.

ii) The appellant hereby agrees to withdraw the Second Appeal as her claim is fully settled and there is no claim as against all the respondents and in respect of the suit schedule property.

iii) The appellant hereby agrees that she is not making any claim in respect of the suit schedule property and as against the respondents.

iv) In view of the settlement reached between the parties, the above Second Appeal shall be dismissed as withdrawn.

2. Since the appellant has agreed to withdraw the Second Appeal, the Second Appeal is dismissed as withdrawn and a joint memo of compromise dated 20.01.2020 shall form part of the judgment. No costs. Consequently, connected petition is closed. Registry is directed to refund the Court fees as per Rules.

3. The learned counsel for the appellant would state that the appellant deposited the balance sale consideration of Rs.86,350/- to the credit of the suit in O.S.No.25 of 2010 on the file of the Sub Court, Chidambaram and he seeks permission to withdraw the said amount, for which the learned counsel for the respondents has no objection.

4. In view of the above submissions, the Sub Judge, Chidambaram is directed to disburse the amount of Rs.86,350/- to the appellant herein forthwith.

Sd/-

Assistant Registrar(CS.III)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge -II, Chidambaram.
2. The Subordinate Judge, Chidambaram.

Copy To: The Section Officer, V.R.Section,
High Court of Madras, Chennai -104.

+1 cc to M/s.T.S.Baskaran, Advocate Sr.No. 5862

AKM/06.03.2020/2P-5C /

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