

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

S.A.NO.773 OF 2016

AND

C.M.P.NO.16630 OF 2016

K.Chandrasekaran

... Appellant/

2nd Defendant in Trail Court

Vs

1.P.Sudanthiran

2.Anusuya

3.K.Shanmugasundaram

4.S.Maheswari

... Respondents/

Plaintiffs and Defendants

1, 3 and 4 in Trail Court

Prayer:-

Second Appeal filed under Section 100 of the Code of Civil Procedure to set aside the judgment and decree dated 17.03.2008 made in A.S.No.47 of 2007 on the file of the Principal District Court, Salem confirming the judgment and decree dated 15.12.2006 passed in O.S.No.3 of 2006, on the file of the Sub Court, Sangagiri.

For Appellant : Mr.M.Vivekanandan

For Respondents : Mr.G.Karthikeyan

for R1

JUDGMENT

This appeal is directed against the judgment and decree of the Principal District Judge, Salem in A.S.No.47 of 2007 confirming the judgment and decree of the Sub Judge, Sangagiri in O.S.No.3 of 2006.

2.When the matter was taken up for hearing on 20.01.2020, Mr.M.Vivekanandan, learned counsel for the appellant submitted that to comply the conditional order of this Court, the appellant had deposited Rs.50,000/- to the credit of the suit and he is ready to pay the entire balance amount to the first

respondent/ decree holder. Today, the learned counsel produced a demand draft No.211820, dated 23.01.2020, drawn on Karur Vysya Bank, Pallipalayam, Namakkal District in the name of the first respondent/plaintiff for a sum of Rs.2,50,000/-. According to the learned counsel, the entire decree amount has been paid to the first respondent/ decree holder.

3.The learned counsel for the first respondent has agreed to receive the demand draft as full quit and seeks direction to the trial Court to return the amount deposited by the appellant, for which, the learned counsel for the appellant has no objection.

4.It is also submitted that during the pendency of the suit, in I.A.No.12 of 2006 the property of the appellant was attached under Order 21 Rule 38 of Civil Procedure Code. Since the entire disputes have been settled, the order of attachment made in I.A.No.12 of 2006 is hereby raised.

5. In view of the above, the Second Appeal is allowed. The Sub Judge, Sangagiri is hereby directed to disburse the amount of Rs.50,000/- deposited to the credit of O.S.No.3 of 2006 to the plaintiff forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Principal District Judge, Salem.
2. The Sub Judge, Sangagiri.

Copy To

The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.8191

S.A.No.773 of 2016
and
C.M.P.No.16630 of 2016

MR(CO)
CS/18/12/2020