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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HON'BLE MRS.JUSTICE S.KANNAMMAL

S.A.NO.349 OF 2021

AND

C.M.P.NO.6637 OF 2021

[Through Video Conferencing]

1. Kasthuri
2. Balakrishnan ... Appellants/1 & 2 Respondents/
Plaintiffs

.Vs.

1. Annakili ... 1st Respondent/Appellant/
2nd Defendant
2. Varadharaji ... 2nd Respondent/3rd Respondent/
1st Defendant

PRAYER:-

Second Appeal filed, under Section 100 of the Code of Civil Procedure seeking to set aside the Judgment and Decree passed in A.S.No.9 of 2017 dated 24.11.2020 on the file of the Subordinate Court, Gingee, reversing the Judgment and Decree passed in O.S.No.322 of 2009 dated 03.03.2017 on the file of the Additional District Munsif, Gingee.

For Appellants : Mr.Om Sai Ram

O R D E R

This Second Appeal has been filed by the appellants against the Judgment and Decree passed in A.S.No.9 of 2017 dated 24.11.2020 on the file of the Subordinate Court, Gingee, reversing the Judgment and Decree passed in O.S.No.322 of 2009 dated 03.03.2017 on the file of the learned Additional District Munsif, Gingee.

2. The learned counsel appearing for the appellants submitted that he has already filed a Memo dated 31.08.2021



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stating that:

"1.It is submitted that during pendency of the appeal, mediation was held between the family members and decided to share the item No.3 of the suit schedule mentioned property equally.

2.It is submitted in view of above settlement present appeal may be withdrawn as settled out of Court.

3.In view of above development, this Hon'ble Court may be pleased to permit the Appellants to withdraw the above appeal as settled out of Court and thus render justice".

3. In view of the submission made by the learned counsel for the appellants and the Memo filed by the learned counsel for the appellants, the appellants are permitted to withdraw the Second Appeal.

4. Recording the said Memo dated 31.08.2021 filed on behalf of the appellants, the Second Appeal is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
The Subordinate Court,
Gingee.
2. The Additional District Munsif Judge,
The Additional District Munsif,
Gingee.

S.A.NO.349 OF 2021 AND
C.M.P.NO.6637 OF 2021

SRA (CO)
PBS/28/09/2021
PBS/06/10/2021