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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

SA NO.1094 OF 2012

N.Rajagopal

... Appellant/Respondent/
Plaintiff

VS.

A.Ramasamy

... Respondent/Appellant/
Defendant

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure against the judgment and decree dated 23.07.2012 passed in A.S.No.137 of 2009 on the file of the learned V Additional District & Sessions Judge, Coimbatore, reversing the judgment and decree dated 05.09.2009 in O.S.No.198 of 2008 on the file of the III Additional Subordinate Judge, Coimbatore.

For Appellant : Mr.M.Sivavarthanan

For Respondent : Mr.C.R.Prasanan

JUDGMENT

The appellant has filed a Memo dated 31.08.2021 that the matter has been "Settled out of Court" and part of the request has been complied with by the respondent. Therefore, the appellant seeks to withdraw the Second Appeal.

2.The Memo dated 31.08.2021 filed by the appellant reads as under:

"MEMO FILED ON BEHALF OF APPELLANT

1.The Appellant has filed the above Second Appeal as against the Judgment and Decree dated 23.07.2012, passed in A.S.No.137 of 2009 on the file of the learned V Additional District & Sessions Judge, Coimbatore, reversing the judgment and decree dated 05.09.2009 in O.S.No.198 of 2008 on the file of the III Additional Subordinate Judge, Coimbatore.



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2.The suit is filed seeking specific performance on the sale agreement dated 26.03.2006. During the pendency of the Second Appeal, the Appellant and the Respondent along with his son Mr.Suresh have arrived at an amicable settlement out of the Court.

3.In pursuant to the said settlement, the Respondent herein along with his son Mr.Suresh have sold a portion of the suit property (74 cents) to the Appellant by sale deed dated 28.01.2020 registered as doc.No.593 of 2020.

4.In view of the amicable settlement between the parties and in view of the subsequent sale in favour of the Appellant in respect of portion of the suit property, the Appellant do not wish to continue the present proceedings in the Second Appeal in S.A.No.1094 of 2012.

For the reasons stated above it is prayed that this Hon'ble Court may be pleased to record this memo and dismiss the above Second Appeal in S.A.No.1094 of 2012 as "Settled out of Court" and thus render justice.

Dated at Chennai on this the 31st day of August, 2021."

3.Accordingly, the Second Appeal is disposed of as "Settled out of Court." The Memo dated 31.08.2021 is taken on file and shall form part of the judgment. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Encl : Xerox Copy of Memo filed on behalf of Appellant.

TK



To

1. The V Additional District & Sessions Judge,
Coimbatore.

2. The III Additional Subordinate Judge,
Coimbatore.

Copy To:-

The Section Officer,
V.R.Section,
High Court, Madras 104

+1cc to Mr.Sivavarthan, Advocate, S.R.No.46805
+1cc to Mr.C.R.Prasanan, Advocate, S.R.No.46790

SA NO.1094 OF 2012

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CS(/01/2019)