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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.1121 of 2019
and C.M.P.No.24345 of 2019

S.Thirumavalavan

.. Appellant

/versus/

N.Gunasekaran

.. Respondent

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, prayed set aside the judgment and decree dated 22.04.2019 made in A.S.No.59 of 2016 on the file of the Principal District Judge, Coimbatore, reversing the judgment and decree dated 15.07.2016 made in O.S.No.536 of 2004 on the file of the I Additional Subordinate Judge, Coimbatore.

For Appellant : Mr.D.Ravichander

For Respondent : Mr.R.Bharath Kumar

JUDGMENT

The learned counsel appearing for both the parties submitted that the matter has been settled out of Court and they have filed a Joint Compromise Memo to that effect.

2.The Joint Compromise Memo filed by both the parties is extracted hereunder:

"It is respectfully submitted that the parties to the above Appeal have settled this dispute out of Court. They have settled the matter amicably, thus nothing survives for adjudication in the above Second Appeal and the appellant herein may be permitted to withdraw the above Second Appeal. In Trial Court there is an order of attachment passed in I.A.No.1100 of 2004 in O.S.No.536 of 2004, on the file of the learned I Additional Sub-ordinate Judge, Coimbatore. The same may be raised in view of compromise entered between the parties in the above appeal.



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It is therefore prayed that this Court may be pleased to record this Joint Compromise memo filed by the parties to the above appeal and consequentially permit the appellant herein to withdraw the above appeal."

3. In view of the above, this Court is inclined to dismiss the appeal, as the matter has been settled between the parties. Further, they requested that there is an order of attachment passed in I.A.No.1100 of 2004 and both the parties are also agreed for raising this attachment. In view of the same, the attachment order in I.A.No.1100 of 2004 is hereby raised.

4. The learned counsel for the petitioner submitted that the amount for paying Court fee was transferred by the petitioner to the Petitioner counsel's bank account and the same was paid by the petitioner's counsel. Therefore, he made a request to refund the Court fee in name of the petitioner's counsel and he will transfer the same to the petitioner.

5. Therefore, Registry is directed to refund the eligible Court fee in the name of Mr.D.Ravichander, learned counsel for the petitioner.

6. In view of the above, this Second Appeal is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rst

To:

1. The Principal District Judge, Coimbatore.

2. The I Additional Subordinate Judge, Coimbatore.

+1cc to M/s.D.Ravichander, Advocate (SR No.9604/21)

S.A.No.1121 of 2019
and C.M.P.No.24345 of 2019

SMI (CO)
PR (28/07/2021)