



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Third Day of November Two Thousand Twenty One
PRESENT

The Hon'ble Mrs. Justice S. ANANTHI

AS (MD) . No.330 of 2008

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1. M.Sankarabagam (Died)
2. S.Muthuvinayagam
3. Indira
4. Maharasi
5. Chitra
6. Lakshmi
7. (Appellants 3 to 6 Brought On Record as Legal heirs of the Deceased 1st Appellant vide Court Dated 07.08.2013 made in MP (MD) No.2/2013 in AS (MD) 330/2008)

... Appellants/ Defendants

- Vs. -

1. S.Palaniya Pillai (Died)
2. S.Pushpam (Died)
3. P.Muthukumar

[Memo presented in Court on 28.02.2019, and Recorded as R1 Died. R2 and R3 who are already on record, are the legal heirs of the Deceased R1 vide Court Order dated 28.02.2019 made in AS (MD) No.330/2008.

... Respondents/Plaintiffs

Prayer:-

First Appeal filed under Section 96 r/w Order XLI Rule 1 of the Code of Civil Procedure, 1908, against the judgment and decree dated 06.06.2008, made in O.S.No.54 of 2006 on the file of the Additional District and Sessions Court (Fast Track Court No.I), Tuticorin.

Decree:-

This First Appeal coming on for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the material papers in the Suit and upon hearing the arguments of Mr.K.S.VAMSIDHAR, Advocate for the Appellants and of Mr.M.P.SENTHIL, Advocate for the third Respondent, and the Appellants and the Third respondent herein having settled their differences and entered into a Mediation and Conciliation dated 01.07.2019 between themselves and through their respective counsels and having filed the memo of compromise duly signed by the parties as well as by their Advocates, and upon



perusing the grounds of appeal, the Judgment and Decree dated 06.06.2008 passed in OS. No.54 of 2006 on the file of the learned Additional District Judge, Fast Track Court I, Thoothukudi and the material records and the joint compromise memo, and in pursuance to the said joint compromise memo and this court while recording the said joint compromise memo, the same is annexed herewith, this court Closing the Appeal Suit, doth order and decree as follows ;

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(1) That the first appeal is closed in the terms of Settlement Agreement of the Tamil Nadu Mediation and Conciliation Centre, Madurai, dated 01.07.2019;

(2) that the second appellant herein agreed to settle the entire decreed amount with the interest at 6% from the date of filing till the date of payment of the principle amount;

(3) that the amount due as per the above terms has been worked out i.e. Rs.6,74,743/- (Rupees Six Lakhs Seventy Four Thousand Seven Hundred and Forty Three only) by both the parties with the guidance of their respective counsels.

(4) that it is agreed by both the parties that the amount due to the 3rd respondent from the 2nd appllant has to be paid on or before 15.07.2019 by two installments and If the 2nd appllant herein pays the amount due within the stipulated time of 15.07.2019, the 2nd appellant herein be and hereby is entitled for the deduction of Rs.24,743/- in the total amount;

(5) that it is further agreed by the 2nd appellant that he will pay Rs.3,00,000/- (Rupees Three Lakhs only) through a Demand Draft in favour of 3rd Respondent on 02.07.2019 and the balance amount of Rs.3,50,000/- will be paid on or before 15.07.2019 and that it is informed by the 3rd Respondent that the 1st and 2nd Respondents died and the 3rd Respondent is the only legal heir to receive the entire decree amount from the 2nd Appellant. A memo in USR No.2834 of 2019 to this effect is also filed before the Hon'ble Madurai Bench of Madras High Court;

(6) that by signing this Agreement all the parties hereto state that they have no further claims or demands against each other with respect to this First Appeal and all the disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

(7) That there be no costs in this First Appeal.

Sd/-

Assistant Registrar (CS III)

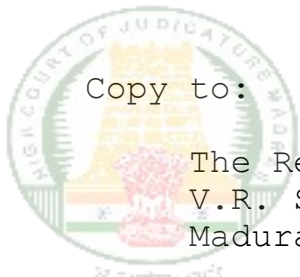
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/ /2022

Sub Assistant Registrar (CS)

To

1. Additional District and Sessions Judge,
(Fast Track Court No.I), Tuticorin.



Copy to:

The Record Keeper,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-35736 dated 24.11.2021)

ORDER DATED : 23.11.2021

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DECREE

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Nature of Decree:-Closing the First Appeal preferred against the judgment and decree dated 06.06.2008, made in O.S.No.54 of 2006 on the file of the Additional District and Sessions Court(Fast Track Court No.I), Tuticorin and etc., as stated within.

MGJ(11.01.2022) 3P 5C