



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date :20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.351 of 2011

WEB COPY

1.Mabel Glory Benjamin

2.Benjamin C.K.Singh

... Appellants

-Vs-

1.Kanagamony

2.Sheela Rukmoni Joseph

...Respondents

PRAYER: Second Appeal is filed under Section 100 of Civil Procedure Code, against the Judgment and decree dated 30.09.2010 and made in A.S.No.41 of 2009 on the file of the Court of the District Judge, Kanyakumari District at Nagercoil confirming the Judgment and Decree dated 23.07.2009 and made in O.S.No.82 of 2005 on the file of the Subordinate Judge, Padmanabhapuram.

For Appellants: G.Pitchaimani
for Mr.K.N.Thampi
For R1 : Mr.Xavier Rajini
For R2 : Mr.Ragadeesh Kumar
for M/s.Isaac Chamber

J U D G M E N T

The unsuccessful defendants in the suit are the appellants. O.S.No.82 of 2005 on the file of the Sub Court, Padmanabhapuram was filed by the respondents herein for recovering a sum of Rs.3,29,400/- from the appellants. The suit was decreed on 23.07.2009. Questioning the same, the appellants filed A.S.No.41 of 2009 before the District Judge, Kanyakumari, at Nagercoil. By Judgment and Decree dated 30.09.2010, the appeal was dismissed. Questioning the same, the second appeal came to be filed.

2.When the matter was taken up for final hearing, the learned counsel for the respondents submitted that the first respondent had passed away some four years ago and the second respondent, who was one of the plaintiffs, had given in writing that the entire issue has been settled out of the Court. Of-course, the appellant's counsel does not have any instructions. But when the plaintiff's counsel make a statement, this Court has to necessarily accept the said submission.



3. Recording the statement given by the learned counsel for the respondents, this second appeal is disposed of as settled out of the Court. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Judge, Kanyakumari District at Nagercoil.

2. The Subordinate Judge, Padmanabhapuram.

3. The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s. ISAAC CHAMBERS, Advocate (SR-16782[F] dated
21/04/2021)

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KUN(CO)

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