



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.811 of 2013

1.Amirtha Gowri

2.Rajakumari

... Appellants/Appellants/Defendants

-Vs-

Pappathi @ Selvarani

...Respondent/Respondent/Plaintiff

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 15.10.2012 passed in the appeal in A.S.No.21 of 2012 on the file of the Subordinate Judge, Virudhunagar partially reversing and partially confirming the Judgment and decree dated 08.11.2011 passed in the suit in O.S.No.32 of 2007 on the file of the District Munsif Court, Virudhunagar.

For Appellants : Mr.J.Barathan

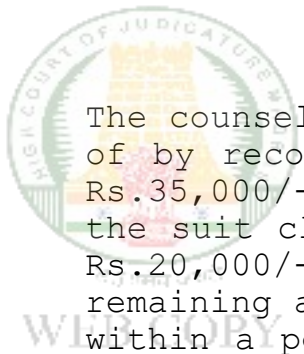
For Respondent : Mr.S.Parthasarathy

JUDGMENT

Heard the learned counsel on either side.

2.The defendants in O.S.No.32 of 2007 on the file of the District Munsif Court, Virudhunagar, are the appellants in this second appeal. The respondent Pappathi @ Selvarani filed the said suit seeking to recover the suit claim from the appellants. The suit was decreed vide Judgment and decree dated 08.11.2011. Questioning the same, the defendants filed A.S.No.21 of 2012 before the Sub Court, Virudhunagar. Vide Judgment and decree dated 15.10.2012, the appeal was dismissed. Challenging the same, the second appeal came to be filed.

3.When the matter was taken up for final hearing, I suggested to the counsel on either side to explore the possibility of settlement. The matter was adjourned to enable the counsel to report after obtaining instructions from the respective parties. I am happy to record that the counsel on either side have been able to persuade their respective clients to arrive at an understanding.



The counsel jointly point out that the second appeal can be disposed of by recording the undertaking of the appellants to pay a sum of Rs.35,000/- to the plaintiff towards full and final settlement of the suit claim. The appellants state that the first installment of Rs.20,000/- will be paid within a period of 45 days from today. The remaining amount of Rs.15,000/- will be paid to the plaintiff within a period of 45 days thereafter. In other words, the entire amount of Rs.35,000/- will be paid within a period of 90 days from today. The appellants will undertake to hand over the demand draft in person by going to the house of the plaintiff. The plaintiff through her counsel informs the Court that she would appropriately receive the appellants herein. The impugned Judgment and decree are modified in terms of the aforesaid settlement arrived at between the parties. The appellants are said to have deposited a certain sum of money by way of complying with the condition imposed by this Court while granting interim order. The appellants are permitted to withdraw the same without notice to the respondent herein. In case of breach of undertaking by the appellants, the counsel for the respondent is at liberty to make a mention before this Court. The second appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

To

1.The Subordinate Judge, Virudhunagar.

2.The District Munsif, Virudhunagar.

3.The Record Keeper-2 copies

V.R.Section,

Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.R.JEYAPALAM, Advocate (SR-17833[F] dated 28/04/2021)

+1 CC to Mr.S.PARTHASARATHY, Advocate (SR-17845[F] dated 28/04/2021)

Judgment made in
S.A. (MD) No.811 of 2013
27.04.2021