



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

S.A. (MD) No. 389 of 2014 and

M.P. (MD) No. 1 of 2014

1. Padmini

2. Vishnu

... Appellants/Respondents/
Defendants

Vs.

1. Nalinakumari

2. Manikandan

... Respondents/Appellants/
Plaintiffs

Prayer: Second appeal filed under Section 100 of C.P.C., to set aside the Judgment and Decree dated 05.09.2013 in A.S.No.22 of 2012 on the file of the I Additional Subordinate Judge at Nagercoil Camp at Padmanabhapuram reversing the Judgment and Decree dated 27.06.2011 in O.S.No.203 of 2006 on the file of the Additional District Munsif, Eraniel, by allowing this appeal.

For Appellants

: Mr.S.C.Herold Singh

For Respondents

: Mr.D.Srinivasa Raghavan

J U D G M E N T

Heard the learned counsel on either side.

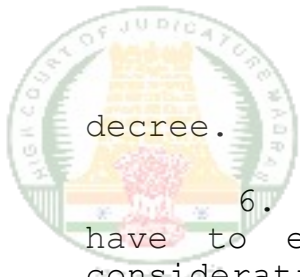
2. The defendants in O.S.No.203 of 2006 on the file of the Additional District Munsif Court, Eraniel, are the appellants herein.

3. The suit was filed seeking the relief of declaration and injunction. Vide Judgment and Decree dated 27.06.2011, the suit was dismissed. Questioning the same, the plaintiffs filed A.S.No.22 of 2012 before the I Additional Sub Court, Nagercoil Camp at Padmanabhapuram. Vide Judgment and Decree dated 05.09.2013, the Judgment and Decree passed by the trial Court was set aside and the appeal was allowed. Challenging the same, the defendants have filed this second appeal.

4. During the pendency of the appeal, it was suggested that the matter can be amicably resolved and it was sent for mediation. The parties appeared before the Tamil Nadu Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai and the matter was settled. The settlement has also been reduced into writing. The same is enclosed with the mediation report.

5. This second appeal is disposed of in terms of the said settlement agreement dated 31.03.2021. It will form part of the

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decree.

6. As per the terms of the agreement, the plaintiffs will have to execute a sale deed after receiving the balance sale consideration of Rs.6,25,000/-. The learned counsel on either side inform the Court that without Ex.A.1, the proposed sale deed cannot be registered.

7. Therefore, Registry is directed to return Ex.A.1 dated 08.07.1983 to the learned counsel appearing for the respondents, after the same is duly substituted by a photocopy. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The I Additional Subordinate Judge,
Nagercoil Camp at Padmanabhapuram.
2. The Additional District Munsif, Eraniel.
3. The Record Keeper(2C)
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

(To Return the EX.A.1 Dated 08.07.1983 to the learned Counsel for Respondents after the same is duly substituted by a photocopy)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-17225[F] dated 23/04/2021)
+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-17294[F] dated 23/04/2021)

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22.04.2021

KMV (CO)

KB (26.04.2021) 2P 7C

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