



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.119 of 2018

and C.M.P.(MD)Nos.5960 of 2018 & 12442 of 2019

WEB COPY

1.Sukumar
2.Kavitha

... Appellants/Defendants

Vs.

Raja

... Respondent/Plaintiff

PRAYER: Appeal Suit filed under Section 96 of C.P.C. Read with Order 41 Rule 1 against the judgment and decree passed in O.S.No.30 of 2015 on the file of the Additional District Judge Cum Sessions Court, Theni dated 29.11.2017.

For Appellants : Mr.S.Kadarkarai

For Respondent : Mr.R.Suriyanarayanan

JUDGMENT

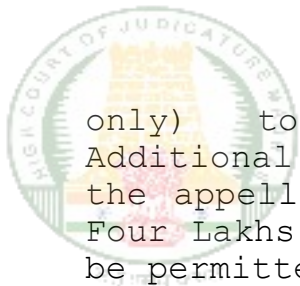
This Appeal Suit is filed against the judgment and decree passed in O.S.No.30 of 2015 on the file of the Additional District Judge Cum Sessions Court, Theni dated 29.11.2017.

2. It is represented by both sides that the parties have settled their disputes among themselves and they have entered into a "Joint Compromise Memo", dated 01.03.2021, which has been duly signed by both the parties and their respective counsel. A copy of the same has also been placed before this Court.

3. The appellants and the respondents are also present before this Court and both the parties reiterate the terms of the said joint compromise memo. Mr.S.Kadarkarai, learned counsel appearing for the appellants has identified the parties.

4. Hence, this Appeal suit is disposed of in terms of the Joint Compromise Memo, dated 01.03.2021, entered into between the parties. Accordingly, the judgment and decree passed by the learned Additional District Judge cum Sessions Judge, Theni, in O.S.No.30 of 2015 is set aside in terms of the said Joint Compromise Memo and the said Joint Compromise Memo, dated 01.03.2021, shall form part of this Judgment and Decree. No costs. Consequently, connected miscellaneous petitions are also closed.

5. It is represented by the learned counsel appearing for the appellant that this Court, on 22.10.2008, while granting stay in C.M.P.(MD)No.5960 of 2018 in A.S.(MD)No.119 of 2018, directed the appellants to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs



only) to the credit of O.S.No.30 of 2015 on the file of the Additional District Judge-cum-Sessions Judge, Theni and accordingly, the appellants herein had deposited a sum of Rs.4,00,000/- (Rupees Four Lakhs only) before the trial Court. Hence, the appellants may be permitted to withdraw the said amount.

WEB COPY

6. In view of the submissions, the appellants are permitted to withdraw the amount, which is lying in the deposit to the credit of O.S.No.30 of 2015 on the file of the Additional District Judge-cum-Sessions Judge. The Registry is directed to refund the Court fee, if any, as per law, since the matter is settled out of Court.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ENCL:XEROX COPY OF JOINT COMPROMISE MEMO

vsm

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 Additional District Judge-cum-Sessions Court,
Theni.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

3.The Assistant Registrar,
Court Officer Section,
Madurai Bench of Madras High Court,
Madurai. (Reg: Refund of Court fee)

+1 CC to M/s.S.KADARKARAI, Advocate (SR-8954[F] dated 05/03/2021)

A.S.(MD)No.119 of 2018
and C.M.P. (MD)Nos.5960 of 2018
& 12442 of 2019
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KK(19.05.2021) 2P 6C