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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

A.S.No.1024 of 2001

M/s.Kalpaka Transport Company Limited,  
Having its registered office at No.6/583,  
YMCA Road, Kallikottai -673 001,  
Kerala State.

.. Appellant/Defendnat

Vs.

1. M/s.S.I.V. Industries Limited,  
having its registered office at  
No.1977-A, Trichy Road,  
Coimbatore - 641 005.

2. M/s. United India Insurance Company Limited,  
having its Divisional Office at  
Bank of Baroda Buildings, IV Floor,  
State Bank Road,  
Coimbatore - 641 018.

.. Respondents/Plaintifs

Appeal Suit filed under Section 96 of the Code of Civil Procedure against the Decree and Judgment, dated 17.08.99 passed in O.S.No.1170 of 1995 on the file of the learned III Additional Subordinate Judge, Coimbatore.

For appellant : Mr.M.A.Abdul Wahab

For Respondents: Mrs.Revathi Muralidharan  
(for R1 and R2)

#### JUDGMENT

This Appeal is filed against the Decree and Judgment, dated 17.08.99 made in O.S.No.1170 of 1995 on the file of the learned III Additional Subordinate Judge, Coimbatore.

2. I have heard the learned counsel for the appellant and the learned counsel appearing for the Respondents.

3. The matter was referred to mediation and the parties have reached an agreement before the Mediator. The mediation centre



has also sent a report along with a joint memo stating that the parties have entered into settlement. The statement is evidenced by the joint memorandum of compromise signed by the parties and their respective counsels. In the Joint Memorandum of Compromise, the parties have arrived at a settlement in the following terms:

"The appellant herein filed the above First Appeal against the Judgment and decree dated 17.08.1999 made in O.S.No.1170 of 1995 on the file of the learned III Additional Subordinate Judge, Coimbatore against Respondents. It is submitted that the Hon'ble Court referred matter to the Mediation Centre. Before the Mediation Centre, both the Appellant and Respondents appeared and agreed to settle the matter by paying a sum of Rs.4,50,000/- as full and final settlement by the Appellant to the Respondents. The Appellant paid the amount of Rs.4,50,000/- in 2 installments by cheques on 15.08.2017 and 15.09.2017 to the Respondents and the Respondents also acknowledge receipt of the same. The Appellant and Respondents are filing this Joint Memo for passing of appropriate orders.

The Appellant and Respondents therefore pray that this Hon'ble Court may be pleased to record this Memo and pass appropriate orders in the above First Appeal A.S.No.1024 of 2001 and thus render justice."

4. In view of the same, the First Appeal is disposed of and the joint memorandum of compromise is taken on file and recorded. There will be a final decree in terms of the joint memorandum of compromise. The joint memorandum of compromise filed by the parties shall form a part of the decree. No costs.

Sd/-  
Assistant Registrar(S-VIII)

//True copy//

Sub Assistant Registrar

vum

To

1. The III Additional Subordinate Judge,  
Coimbatore.



2. The Section Officer,  
V.R. Section, High Court of Madras,  
Chennai.

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A.S.No.1024 of 2001

RSI (CO)  
GMY (07/06/2022)