



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2022

CORAM

THE HONOURABLE Mrs.JUSTICE S.KANNAMMAL

A.S.Nos.588 & 589 of 2013

M/s Kovai Medical Centre and Hospital Limited,
Represented by its Chairman Dr.Nalla G.Palaniswami,
Post Box No.3209, Avinashi Road,
Coimbatore - 641014.
Represented by its Chairman and Managing Directors
Dr.Nalla G. Palaniswami ... Appellant in both
A.S./Plaintiff

Vs

Dr.Dharmalingam ...Respondent in both
A.S./Defendant

Prayer in A.S.No.588 of 2013: Appeal under Order XLI read with Section 96 of the Code of Civil Procedure against the Judgement and Decree dated 10-12-2012 in O.S.No.637 of 2009 on the file of the IV Additional District Judge, Coimbatore, dismissing the Suit of the Appellant seeking recovery of Rs.12,63,552/- and Decreeing the Counter claim of the Respondent to the tune of Rs.6,08,100/-.

Prayer in A.S.No.588 of 2013: Appeal under Order XLI read with Section 96 of the Code of Civil Procedure against the Judgement and Decree dated 10-12-2012 in O.S.No.637 of 2009 (Counter Claim) on the file of the IV Additional District Judge, Coimbatore, decreeing the Counter claim of the Respondent to the tune of Rs.6,08,100/-.

For Appellant (in both A.S)	:	M/s.A.Saranya for M/s.Iyer and Thomas
For Respondent (in both A.S)	:	Mr.N.Thiagarajan

COMMON JUDGEMENT

When these appeals are taken up for hearing today, the learned counsels appearing on both sides submit that the matter has been amicably settled between the parties out of Court. To



WEB COPY

that effect, a joint memo dated 30.01.2021 has been filed, signed by the appellant and the respondent, which reads as follows:-

"1.It is submitted that the Appellant and the Respondent have arrived at a mutual compromise and have agreed to settle the matter amicably and arrived at an out of Court settlement. In the light of the settlement reached between parties, the parties herein most humbly pray that A.S.No.588 of 2013 and A.S.No.589 of 2013 pending before this Honourable Court be dismissed as having been settled out of Court.

2. Pursuant to order of the Honourable High Court of Madras dated 09.01.2014, the Appellant has deposited a sum of Rs.3,04,050/- (Rupees Three Lakh Four Thousand and Fifty) to the account of the District Court Coimbatore vide the Cheque No.151293 dated 11.02.2014 in E.P.No.8 of 2013 before the Fast Track Court II, Coimbatore. In view of the settlement arrived at out of court, the parties pray that appropriate orders may be passed by this Honourable Court to refund the deposited amount to the Appellant".

2. Recording the Joint Memo dated 30.01.2021, these Appeal Suits are dismissed as settled out of Court. No costs. The District Court, Coimbatore is directed to refund the deposited amount to the Appellant on making necessary application. The terms of joint compromise memo shall form part and parcel of this judgement. Consequently, connected miscellaneous petitions are closed, if any.

* Xerox copy of the Joint Compromise Memo is enclosed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn



To

1. The IV Additional District Judge,
Coimbatore.

Copy to:

1. The District Court,
Coimbatore.
2. The Section Officer,
V.R. Section,
High Court, Madras - 104.

+1cc to Mr.N.Thiyagarajan, Advocate, S.R.No.16034 (23/05/2022)

+1cc to Mr.H.Karthik Seshadri, Advocate, S.R.No.16132 (23/05/2022)

A.S.Nos.588 & 589 of 2013

PPA (CO)
SU (17/05/2022)