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A.S.No.521 of 2020 and CMP.No.7191 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

A.S.No.521 of 2020
and
CMP.No.7191 of 2020

1. E.Arumugam
2. A.Roja
Appellants

..

Versus

A.Sankaralingam
Respondent

..

Appeal Suit filed under Section 96 read with Order 41 of the Civil Procedures Code against the Judgment and Preliminary Decree, dated 16.04.2019 in O.S.No.94 of 2016 passed by the learned District Judge, District Court No.II, Kanchipuram.

For Appellants : Mr.R.Karunakaran

For Respondent : Mr.S.Udayakumar



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J U D G M E N T

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

Today, when the appeal is taken up for hearing, both the appellants and the respondent along with their respective learned counsel on record are present.

2.It is submitted by the learned counsel appearing on both sides that the matter has been amicably settled between the parties. They have also filed a memo of compromise dated 09.02.2021 signed by both the appellants and the respondent, to that effect.

3.This Court perused the Memo of Compromise and also enquired the parties about the factum of compromise and the terms of settlement, which have been admitted by them.

4.For better understanding, the terms of the said Memo of Compromise are extracted below:

"(i) That the Respondent/Plaintiff filed suit being OS.No.94 of 2016 for a recovery of a sum of Rs.33,44,000/- on



the file of Principal District Court, Kanchipuram.

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(ii) After contest the above suit was decreed on 16.04.2019, aggrieved the appellants/defendants filed appeal being A.S.No.521 of 2020 before this Hon'ble Court.

(iii) that pending appeal, the appellants have come forward to enter compromise and requested respondent/plaintiff to return the original documents received as security towards the amount borrowed.

(iv) The respondent/plaintiff is agreed for the proposed settlement and accepted to receive a sum of Rs.25,00,000/- (Twenty Five Lakhs) as full and final settlement towards the decreed amount and further agreed to return the original title documents.

(v) That the appellants and respondents in the above Appeal have agreed to enter a compromise and the Appeal suit pending before this Court may be dismissed as settled out of Court and issue necessary direction directing the Trial Court to refund Court fee paid on plaint by the respondent/plaintiff.

(vi) That in view of the settlement arrived between the parties the appeal filed by the appellants may be dismissed as settled out of Court and the appellants may be directed to get refund of court fee paid on the above appeal A.S.No.521 of 2020.

(vii) That in view of the settlement between the parties



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herein above, the respondent is agree to withdraw the pending complaint before the Metropolitan Magistrate Court, Saidapet in respect of dishonoured cheques."

5.In view of the above, the appeal suit stands disposed of, in terms of the compromise arrived at between the parties. The memo of compromise dated 09.02.2021 filed by the parties, shall form part of the decree. Registry is directed to refund the court fee to the Appellants as per law. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
21.12.2022

Index : Yes / No
Internet : Yes / No
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To

1. The learned District Judge,
District Court No.II, Kanchipuram.
2. The Section Officer, V.R. Section,
High Court of Madras, Chennai 600 104.



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