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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

CIVIL MISCELLANEOUS APPEAL NO.418 OF 2013

&

M.P.NOS.1 & 2 OF 2013

1. G.Srinivasalu
2. Usha Devi Srinivasalu

... Appellants/
Respondents 1 & 2/
Defendants 1 & 2

Vs.

1. NPL Anjil Residents Welfare Association,
Rep. by Secretary K.M.Rathi
[Cause title amended vide Order of this
Court, dated 18.10.2019 in M.P.No.1 of 2015 in
CMA.418 of 2013 by VBSJ]

... 1st Respondent/
Appellant/Plaintiff

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
3. The Chennai Metropolitan Development Authority,
Rep. by its Managing Director,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

... Respondents 2 & 3/
Respondents 3 & 4/
Defendants 3 & 4

Civil Miscellaneous Appeal is filed under Order 43 Rule [1] [V] of CPC against the judgment and decree granted in A.S.No.413 of 2011 dated 03.10.2012 on the file of the III Additional City Civil Court, Chennai remanding the judgment and decree dated 22.3.2011 in I.A.No.22642 of 2010 in O.S.12657 of 2010 on the file of the VII Assistant Judge, City Civil Court, Chennai.



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For Appellants : Mr.N.Suresh
1st Respondent : Mr.Rohit Krishna
2nd Respondent : Mrs.P.T.Ramadevi

JUDGMENT

This Miscellaneous Appeal has been filed by the appellants against the judgment and decree granted in A.S.No.413 of 2011 dated 03.10.2012 on the file of the III Additional City Civil Court, Chennai remanding the judgment and decree dated 22.3.2011 in I.A.No.22642 of 2010 in O.S.12657 of 2010 on the file of the VII Assistant Judge, City Civil Court, Chennai.

2. When the matter was taken up today, the learned counsel for the appellants submitted that the matter has been amicably settled between them and the Joint memo dated 11.04.2022 has also been filed by the parties wherein they have agreed as follows :

"It is submitted that the first respondent is the plaintiff before the Court below in O.S.12657 of 2010 on the file of the learned VII Assistant Judge, City Civil Court, Chennai. As against the rejection of the plaint, the matter is now pending before the Hon'ble Court. At this stage parties have arrived common understanding and they have decided that the issues between them would be resolved in the apartment complex itself. Hence, the 1st respondent/plaintiff and the appellant/defendants have decided that the suit pending in O.S.12657/2010 will be withdrawn and the suit has to be dismissed as withdrawn. The joint memo filed before this Hon'ble Court by both parties signed may be taken on record for the purpose of dismissal of the suit in O.S.12657/2010 on the file of the learned VII Assistant Judge, City Civil Court, Chennai as withdrawn by this Hon'ble Court itself.

Hence, it is prayed for both parties that the suit in O.S.No.12657/2010 on the file of the learned VII Assistant Judge, City Civil Court, Chennai may be dismissed as withdrawn and the appeal may also be consequently closed."



3. In view of the Joint Memo filed by the parties, this Civil Miscellaneous Appeal is disposed of in terms of the Joint Memo filed by the parties. The above Joint Memo shall form part of the decree. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The III Additional Judge,
City Civil Court, Chennai.
2. The VII Assistant Judge,
City Civil Court, Chennai.
3. The Section Officer,
V.R. Section,
High Court, Madras - 104.

C.M.A.No.418 of 2013

NRL(CO)
RLP(13/06/2022)