



A.S.Nos.77 and 407 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**A.S.Nos.77 and 407 of 2014
and M.P.No.1 of 2014 in A.S.No.77 of 2014
& M.P.No.1 of 2014 in A.S.No.407 of 2014**

In A.S.No.77 of 2014 :

1. V.Dhandapani
2. R.Nagarajan .. Appellants

Versus

1. S.Devaraj
2. S.Bakiyalakshmi .. Respondents

In A.S.No.407 of 2014 :

S.Devaraj .. Appellant

Versus

R.Nagarajan .. Respondent

Prayer in A.S.No.77 of 2014 : Appeal Suit filed under Section 96 of Civil Procedure Code to set aside the judgment and decree, dated 12.09.2013 made in O.S.No.239 of 2011 on the file of the II Additional District Court, Erode by allowing this first Appeal.



A.S.Nos.77 and 407 of 2014

Prayer in A.S.No.407 of 2014 : Appeal Suit filed under Order 41 R 1 r/w Section 96 of Civil Procedure Code to set aside the judgment and decree, dated 12.09.2013 made in O.S.No.187 of 2013 on the file of the II Additional District Court, Erode (Tr.O.S.No.15 of 2012 on the file of learned District Munsiff, Erode) and allow the above first Appeal.

In A.S.No.77 of 2014

For Appellants : Mr.N.Manokaran

For Respondents : Mr.M.V.Venkataseshan, for R-1

In A.S.No.407 of 2014

For Appellant : Mr.M.V.Venkataseshan

For Respondent : Mr.N.Manokaran

COMMON JUDGMENT

These Appeal Suits arise out of a common judgment and decree, dated 12.09.2013 in O.S.No.239 of 2011 and O.S.No.187 of 2013 on the file of the II Additional District Court, Erode.

2. It is represented by the learned Counsel on either side that the matter is settled out of the Court and *Mr.N.Manokaran*, the learned Counsel for the appellants in A.S.No.77 of 2014 and *Mr.M.V.Venkataseshan*, the



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learned Counsel for the appellant in A.S.No.407 of 2014 , would submit that in view of the matter being settled out of the Court, they do not want to press the Appeal Suits.

3. Accordingly, the Appeal Suits are dismissed as not pressed. In view of a judgment of the Hon'ble Supreme Court of India in ***High Court of Judicature at Madras represented by its Registrar General Vs. M.C.Subramaniam and Ors.***¹, the parties will be entitled to refund of full Court fee except for the statutory deduction and accordingly, Registry is directed to refund full Court fee for both the parties. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : yes
Speaking order
grs

To

1. The II Additional District Court,
Erode.

2. The Section Officer,

¹ (2021) 3 SCC 560



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V.R.Section,
High Court of Madras.

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D.BHARATHA CHAKRAVARTHY, J.,

grs

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