



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

S.A.No.880 of 2021

and

C.M.P.No.16724 of 2021

R.Neelamegam
S/o, V.D.Ramalingam
Represented by his Power of Attorney agent
N.Senthamarai,
W/o, Nellamegam,
Proprietor,
Saraboji Petroleum Agencies,
having office at
Door No.1/2, F3, Nagai By Pass,
Villupuram,
Thiruvarur Town,
Thiruvarur District.

...Appellant / Appellant / Defendant

Vs.

Rukmani
W/o, V.S.Durairaj

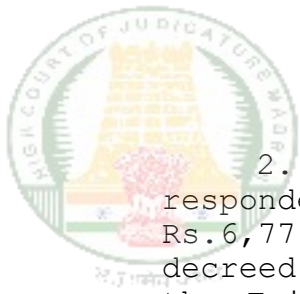
...Respondent / Respondent / Plaintiff

Prayer:Second Appeal filed under Section 100 of C.P.C., against the judgment and Decree dated 04.08.2021 made in A.S.No.6 of 2019 on the file of the Principal District Judge, Thiruvarur, in confirming the Judgment and Decree dated 25.04.2019 made in O.S.No.83 of 2015 on the file of the Subordinate Judge, Thiruvarur.

For Appellant : Mr.C.Prabakaran
For Respondent : Mr.Gokul Sundar K.R

J U D G M E N T

This Second Second Appeal has been filed challenging the judgment and decree passed in A.S.No.6 of 2019 on the file of the Principal District Court, Thiruvarur, confirming the judgment and decree dated 25.04.2019 passed in O.S.No.83 of 2015 on the file of the Subordinate Court, Thiruvarur.



2. The suit in O.S.No.83 of 2015 has been filed by the respondent against the appellant for recovery of sum of Rs.6,77,000/-, based on the promissory note. The suit was decreed after contest on 25.04.2019. The Appeal filed against the Trial Court Judgment in A.S.No.6 of 2019 was dismissed by the learned Principal District Judge, Thiruvarur on 04.08.2021. Against the judgment and decree, this Second Appeal has been preferred.

3. During the pendency of the Appeal, both the parties have reached a compromise and filed the compromise memo. As per the terms of compromise memo, the respondent agreed to receive a sum of Rs.7,25,000/- in full quit and full satisfaction of the decree amount. This amount was agreed to be paid within a period of one month from 20.12.2021 by way of Demand Draft. It is reported now that the Demand Draft for a sum of Rs.7,25,000/- was paid by the appellant to the respondent. The Demand Draft Number is 009475 dated 12.01.2022 drawn on HDFC Bank. E.P.No.128 of 2021 filed by the respondent is pending before the Sub-ordinate Court, Thiruvarur and is posted for hearing on 08.02.2022. Learned counsel for the respondent agreed to withdraw this E.P on the said hearing date.

4. Recording the submissions, this Second Appeal is disposed of and decree is passed in terms of memorandum of compromise. Parties are directed to bear their own costs. Consequently, connected miscellaneous petition is also closed. After the settlement, the appellant/defendant is entitled to the refund of eligible Court fee in accordance with law. Memorandum of Compromise shall form part and parcel of this Judgment.

(*)Herein enclosed the xerox copy of the Memo of Compromise.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

mfa

To

1. The Principal District Judge,
Principal District Court,
Thiruvarur.



2. The Subordinate Judge,
Subordinate Court,
Thiruvarur.

Copy to
The Section Officer,
VR Section, High Court, Chennai.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.3776
+1cc to M/s.Sundar, Advocate, S.R.No.3552

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and
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BR[co]
NSK/01/06/2022