



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

S.A.Nos.176 & 212 of 2017

1.Vinayagam

2.Manickavasagam

...Appellants (in both SAs)

Vs.

Srinivasan

...Respondent (in both SAs)

These Second Appeals filed under Section 100 of CPC, against the judgment and decree made in A.S.Nos.12 & 13 of 2013 dated 27.06.2014 on the file of the Sub Court, Dharmapuri, reversing the judgment and decree made in O.S.No.395 of 2006 dated 31.10.2011 on the file of the District Munsif Court, Arur.

For Appellants : Mr.R.Thanigai Arasan

For Respondent : No Appearance



COMMON JUDGMENT

The defendants in O.S.No.395 of 2006 on the file of the District Munsif Court, Harur are the appellants herein.

2.The said suit had been filed by the respondent, Seenivasan, seeking right to draw water from a common well. The suit had been filed against his own brothers viz., Vinayagam and Manickavasagam. By judgment dated 31.10.2011, the suit was partly decreed. Thereafter, two Appeal Suits were filed namely, A.S.No.12 of 2013 and A.S.No.13 of 2013. Both these Appeals came up for consideration before the Sub Court, Dharmapuri. A common judgment was delivered on 27.06.2014 and again, the Suit was partly decreed.

3.This necessitated the defendants to file the present Second Appeals. Pending the Second Appeals, the issues raised were referred to be examined through Mediation. The Mediation and Conciliation Centre, High Court of Madras had forwarded a report dated 23.08.2022 enclosing a Settlement Agreement effected between the parties. The Settlement Agreement is dated



22.08.2022 and had been signed by the appellants and also by the respondent.

4. In view of the said agreement reached between the parties nothing further survives in the Second Appeals and these Second Appeals are disposed of in accordance with the terms of the Settlement Agreement. The terms of the Settlement / Settlement Agreement shall form part of the decree. No costs.

5. The Registry may refund the Court fee, if request is made, to the learned counsel for the appellants, in accordance with the rules.

12.12.2022

Index: Yes/No
Internet: Yes/No
smv

To

1. The District Munsif Court, Arur.
2. The Sub Court, Dharmapuri.
3. The Section Officer, VR Section, High Court of Madras.



WEB COPY



C.V.KARTHIKEYAN,J.

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