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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

S.A.NO.66/ 2017 AND
CMP.NO.1109/ 2017

Udhayabanu

.. Appellant

vs.

Appadurai

.. Respondent

PRAYER:

Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree passed by the III Additional Judge, City Civil Court, Chennai dated 16.07.2015, in A.S.No.28/2015, confirming the decree and judgment passed by the XI Additional Judge, City Civil Court, Chennai, dated 13.11.2014 in E.A.No.2444 of 2014 in E.P.No.4321 of 2012 in O.S.No.9987 of 2010.

For appellant : Mr. V.Raghavachari

For Respondent : Mr.P.Sankaranarayanan

JUDGMENT

The above second appeal is preferred as against the judgment and decree dated 16.07.2015 passed by the learned III Additional Judge, City Civil Court, Chennai in A.S.No.28 /2015 confirming the judgment and decree passed by the XI Additional Judge, City Civil Court, Chennai dated 13.11.2014 in 2444 of 2014 in E.P.No.4321 of 2012 in O.S.No.9987 of 2010.



2. The learned counsels appearing on either side jointly filed a Memo of Compromise dated 29.04.2022. Both the parties have signed the Compromise Memo in the presence of their respective counsels.

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3. Learned counsel on either side have reported that the parties have settled the dispute by reducing the terms of settlement by way of compromise memo.

4. As per the Memo of Compromise dated 29.04.2022, the respondent has received five cheques of Union Bank of India, Anna Nagar, Juntapalli Branch, Chennai, bearing No.034037 dated 01.06.2022, 034038 dated 01.07.2022, 034039 dated 01.08.2022, 034040 dated 01.09.2022 and 034041, 01.10.2022 each for a sum of Rs.2,00,000/- drawn in favour of respondent.

5. The appellant guarantees for the clearance of all the cheques on the stipulated dates. Hence, the appellant is withdrawing the above appeal as settled out of Court in terms of the settlement indicated in the Compromise Memo.

6. Since the appellant is withdrawing this appeal, the respondent has to withdraw the petition in E.P.No..4321 of 2012 in O.S.No.9987 of 2010 subject to realisation of the amounts which is now handed over by the appellant by way of five cheques.

7. This Second Appeal is therefore dismissed as withdrawn subject to terms of settlement indicated in the Compromise Memo dated 29.04.2022. No costs. Consequently, connected Civil Miscellaneous Petition is closed. The joint compromise shall form part of records.

*Xerox copy of Joint memo of compromise is enclosed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kkd

To

1. III Additional Judge, City Civil Court, Chennai
2. XI Additional Judge, City Civil Court, Chennai,



+1cc to Mr.P. SAKARANARAYANAN, Advocate, S.R.No.30750

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KV (CO)
AJ (06/06/2022)