



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

S.A. No.669 of 2017

S.Jai Kumar

S/o.Sarangapani

..Appellant/Appellant/Defendant

Vs.

K.Lakshmi Narayanan

S/o.Raghaviah

..Respondent/Respondent/Plaintiff

Second Appeal filed is under Section 100 of Civil Procedure Code, 1908, against the judgment and decree dated 11.09.2014 passed by I Additional City Civil Court, Chennai made in Appeal Suit No.259 of 2010 by disallowing the interest portion and confirming of other clause of decree made in O.S. No.2304 of 2005 dated 31.07.2009 by XVI Assistant Judge City Civil Court, Chennai.

For Appellant : Mr. A.M.Amutha Ganesh

For Respondent : Mr. P.Subba Reddy

JUDGMENT

Today, this matter is listed under the caption "Mediation settled cases". When the matter came up for hearing on 02.11.2017, this Court, with the consent of learned counsel on either side, referred the matter for mediation before the mediation centre attached to this Court as the parties have suggested settlement between them. The parties appeared before the mediation centre attached to this Court and entered into a compromise. The compromise memo dated 20.12.2017 is filed before this Court by the parties. Both the parties and their respective counsel have signed the compromise memo. The terms of the memo of compromise indicates that the appellants have undertaken to withdraw the second appeal and criminal appeals (as not pressed). Hence, this Court is inclined to dismiss this appeal as withdrawn.

2. The terms of the compromise memo dated 20.12.2017 are as follows:



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" ...

06. That the above Criminal Appeals and Second Appeal shall be withdrawn (as not pressed immediately) by the above appellant and that the appellant hereafter is not entitled for any more claim amounts under any heads in the above disputed matters from the respondent and legal heirs at any time later, as agreed to by both the parties hereto;

6A: Original mortgage deed will be hand over to the second party to the first party at the time of cancellation of mortgage deed.

07: That out of the above Crl. Appeal, the Crl. Appeal No.513 of 2008 has not listed before the Mediation Centre, Since the case bundle is missing; However, in due course, if it comes up for hearing, then the said Crl. Appeal shall also be withdrawn by the above appellant without fail immediately."

3. Accordingly, the Second Appeal is dismissed as withdrawn on the basis of the terms of Memo of Compromise dated 20.12.2017. The memo of compromise dated 20.12.2017 shall form part and parcel of record. No costs.

* Herein enclosed the Xerox copy of the Memo of Compromise

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1.The I Additional City Civil Court, Chennai.

2.The XVI Assistant Judge City Civil Court, Chennai.

+1cc to M/s.P.Subba Reddy, Advocate SR. No.10636

S.A. No. 669 of 2017

RR (CO)

PR (15/03/2022)