



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2022

Coram

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

S.A.No.849 of 2017

and

C.M.P.No.9290 of 2019

M.P.A.Mahalingam

...Appellant

Vs.

T.Senthilkumar

...Respondent

The Second Appeal filed under Section 100 of CPC, against the judgment and decree made in A.S.No.78 of 2014 dated 31.07.2017 on the file of the Principal District Court, Erode, confirming the judgment and decree made in O.S.No.158 of 2010 dated 24.07.2014 on the file of the Sub Court, Perundurai.

For Appellant : No Appearance

For Respondent : No Appearance



JUDGMENT

CMP.No.9290 of 2017 had been filed by the appellant seeking to record the Memo of Compromise. The Memo of Compromise reads as follows:-

“Memo of Compromise

The above Second Appeal has been filed against the Judgment and Decree dated 31.07.2017 made in A.S.No.78 of 2014 on the file of the Principal District Court, Erode, confirming the judgment and decree dated 24.07.2014 made in O.S.No.158 of 2010 on the file of the Subordinate Court, Perundurai.

Subsequent to the filing of the Second Appeal the appellant and the respondent have arrived to an amicable settlement with the negotiation of the well-wishers of both the family members and the terms of the settlement as follows:-

a)The respondent/defendant herein has agreed to pay a sum of Rs.6,00,000/- (Rupees six lakhs only) towards discharge of entire debt which is the subject matter of the



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second appeal, and the appellant/plaintiff herein has also agreed to receive the same as full quit.

b)In view of the above settlement both the parties have agreed to dispose the second appeal with the above terms.

This memorandum of compromise have been entered by both the parties on their own and volition and there is no undue influence or inducement or threat and only for the purpose of maintaining the cordial relationship between the parties, who are the friends for a long time.

Therefore the appellant and the respondent are prayed that this Hon'ble Court may be pleased to pass a suitable Decree and Judgment based on the Memorandum of Compromise entered into the parties concerned.

Dated at Chennai on this 8th day of January 2019.

sd/-

Appellant

sd/-

Counsel for Appellant

sd/-

Respondent

sd/-

Counsel for respondent



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2. In view of the same, the Civil Miscellaneous Petition is allowed and the compromise is recorded. Consequently, the Second Appeal is allowed in terms of the Memo of Compromise. Since the parties have entered into an agreement outside the Court, the appellant is entitled for refund of Court fee in accordance with the Rules. No costs.

12.12.2022

Index: Yes/No
Internet: Yes/No
smv

To

1. The Principal District Court, Erode.
2. The Sub Court, Perundurai.
3. The Section Officer, VR Section, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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