



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A(MD)No.422 of 2020

V.Thanga Rethinam

... Appellant

-vs-

P.Simson

... Respondent

Prayer :- The second Appeal filed under Section 100 of the Code of Civil Procedure, to call for the records from the Courts below and set aside the decree and judgment in A.S.No.12 of 2017 passed by the learned Subordinate Judge, Padmanabhapuram dated 23.04.2019 confirming the decree and judgment in O.S.No.384 of 2011 passed by the Additional District Munsif Court, Padmanabhapuram, dated 26.11.2014 by allowing this second appeal.

For Appellant : Mr.Ananth C.Rajesh

For Respondent : Mr.G.Ramanathan

JUDGMENT

This second appeal is filed to set aside the judgment and decree in A.S.No.12 of 2017 passed by the learned Subordinate Judge, Padmanabhapuram, dated 23.04.2019, confirming the decree and judgment in O.S.No.384 of 2011 passed by the learned Additional District Munsif Court, Padmanabhapuram, dated 26.11.2014.

2.The appellant is the defendant in the suit. The respondent is the plaintiff. The suit has been filed for the relief of recovery of money. After hearing the rival submissions of both parties, the trial Court decreed the suit. Aggrieved over that, the defendant had filed an appeal in A.S.No.12 of 2017 before the Additional District Munsif Court, Padmanabhapuram and the appeal was also dismissed confirming the judgment and decree of the trial Court. Challenging the said dismissal judgment, the present second appeal has been filed by the appellant/defendant.

3.When the matter came up for hearing on 21.04.2022, the learned counsel for the appellant submitted that the appellant is ready to pay a sum of Rs.1,00,000/- towards full and final settlement of entire suit claim and the learned counsel for the respondent submitted that the respondent is also ready to accept the said amount. However, the learned counsel for the appellant sought time to get a Demand Draft for a sum of Rs.1,00,000/- in favour of the respondent.



4.Today, when the matter was called, the learned counsels for both parties filed a compromise memo stating that the matter has been settled amicably between the parties as per the terms of the Joint Compromise Memo, dated 27.04.2022 and also produced a demand draft bearing No.010882 dated 26.04.2022 for a sum of Rs.1,00,000/- (Rupees One Lakhs only) in favour of respondent/plaintiff drawn on State Bank of India.

5.In view of the same, the Compromise Memo is recorded and the second appeal is disposed of on the basis of the terms of compromise memo. The Compromise Memo dated 27.04.2022 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed. If at all, the parties are entitled for any refund of Court fee, the same shall be returned in accordance with law either by this Court or by the first appellate court or Trial Court.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

To

- 1.The Subordinate Judge,
Padmanabhapuram.
- 2.The Additional District Munsif,
Padmanabhapuram,

COPY TO:

- 1.The Record Clerk,
Vernacular Section
Madurai Bench of Madras High Court,
Madurai. **(2 COPIES)**
- 2.The Sub-Assistant Registrar,
A.E.Section,
Madurai Bench of Madras High Court, Madurai.**



**3.The Sub-Assistant Registrar,
C.O Section,
Madurai Bench of Madras High Court, Madurai.**

WEB COPY

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RD(07.06.2022) 3P 7C