



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.132 of 2010

K.K.D.Pandian

... Appellant / Respondent /Defendant

Vs.

P.Dhayalan

... Respondent / Appellant /Plaintiff

Prayer: Second appeal filed under Section 100 of C.P.C., against the Judgment and Decree passed in A.S.No.132 of 2008 on the file of the learned Sub Judge, Theni, dated 31.08.2009, reversing the Judgment and Decree passed in O.S.No.263 of 2007 on the file of the District Munsif, Theni, dated 03.03.2008.

For Appellant : Mr.M.R.S.Prabhu,
for Mr.V.K.Vijayaragavan.

For Respondent : Mr.G.Gomathi Sankar

J U D G M E N T

This second appeal arises out of a suit for injunction.

2. The respondent herein, namely, P.Dhayalan filed the said suit for permanent injunction restraining the defendant from using the suit property as a common pathway. The suit was dismissed. Aggrieved by the same, the respondent herein filed A.S.No.132 of 2008 before the Sub Court, Theni. The first appellate Court reversed the judgment and decree dated 03.03.2008 made in O.S.No.263 of 2007 on the file of the District Munsif, Theni and decreed the suit as prayed for. Aggrieved by the same, K.K.D.Pandian, the defendant in the suit filed this second appeal.

3. During the pendency of the second appeal, the parties have arrived at an amicable compromise. The terms of compromise have also been reduced into writing and filed before this Court. Mr.Dhayalan, plaintiff in the suit is present in person before me. He has also been duly identified by his counsel. He also confirmed the execution of the terms of compromise. Mr.K.K.D.Pandian has also given power in favour of his son on 26.10.2021. The learned counsel appearing for the parties have also signed the terms of compromise.



4. Therefore, this second appeal is disposed of in terms of the compromise memo dated 05.04.2022. It shall form part of the decree. I am satisfied that the matter has been amicably settled. No costs.

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Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Sub Judge,
Theni.
2. The District Munsif,
Theni.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.G. GOMATHISANKAR, Advocate (SR-17571[F] dated 08/04/2022)

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dks(CO)

TR(07.06.2022) 2P 6C