



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

S.A.(MD)No.658 of 2010 and

M.P.(MD)No.2 of 2010

WEB COPY

1. N.Somasundaram

2. S.Davamani ... Appellants / Appellants /Defendants

Vs.

A.N.Selvam ... Respondent / Respondent /Plaintiff

**Prayer:** Second appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 22.02.2008 passed in A.S.No.39 of 2007 by the learned Principal District Judge, Pudukkottai, dismissing the appeal and confirming the Decree and Judgment dated 24.07.2006 passed in O.S.No.257 of 2002 on the file of the learned Subordinate Judge, Pudukkottai.

For Appellants : Mr.Madhavan,  
for Mr.M.Karthikeya Venkitachalapathy

For Respondent : Mr.K.Baalasundaram

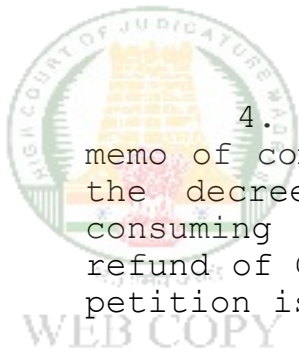
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### **J U D G M E N T**

The defendants in O.S.No.257 of 2002 on the file of the Sub Court, Pudukkottai, are the appellants in this second appeal.

2. The suit was one for redemption of mortgage. The appellants filed a counter claim. The trial Court decreed the suit in favour of the plaintiff and dismissed the counter claim. Challenging the same, the defendants filed A.S.No.39 of 2007 before the Principal District Judge, Pudukkottai. The appeal was dismissed on 22.02.2008. Challenging the same, this second appeal came to be filed.

3. When the matter was taken up for hearing, I suggested to the learned counsel on either side to explore possibilities of settlement. I am happy to record that the matter has been amicably settled. A joint memo of compromise signed by the counsel has been filed. The appellants have paid a sum of Rs.90,000/- by way of Demand Draft to the respondent and the same has also been accepted. A copy of the Demand Draft has also been enclosed.



4. This second appeal is disposed of in terms of the joint memo of compromise and the joint compromise memo shall form part of the decree. Since the issue has been amicably settled without consuming the time of the Court, the appellants are entitled to refund of Court fee. No costs. Consequently, connected miscellaneous petition is closed.

5. Registry is directed to refund the Court fee to the appellants.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Enclosed herewith Copy of the Joint Compromise Memo

**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 Principal District Judge,  
Pudukkottai.
2. The Subordinate Judge,  
Pudukkottai.

COPY TO:

The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

S.A.(MD)No.658 of 2010  
04.03.2022

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