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A.S.No. 28 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

A.S. No.28 of 2021
and
C.M.P. No. 2064 of 2021

Mohamed Yousuff Baig,
S/o. Dastagir Baig

.. Appellant

Vs

1. Dr.Vivekananda Subramania
Nathan,
S/o. Karrupasamy

2. K.V.S.Latha,
W/o. Dr.Vivekananda Subramania
Nathan

... Respondents

Prayer:- First Appeal has been filed under Sec.96 of C.P.C. r/w Order XLI Rule 1 of C.P.C., to set aside the judgement and decree dated 30.08.2019 made in O.S.No.11886 of 2019 on the file of learned VII Addl. Judge, City Civil Court at Chennai.

For Appellant : Mr.A.Thiyagarajan

For Respondents : Mr. M.Shankarnath for R1 & R2



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JUDGEMENT

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Today, when the matter taken up for hearing, the learned counsel appearing for the appellant and respondents 1 and 2 appeared. The learned counsel for Appellant Mr. T.A.Shagul Hameed submitted before this court that at his instance, the matter was referred to Tamil Nadu Mediation and Conciliation Centre attached with this court. As he was not able to appear before the mediation on behalf of appellant, some of counsel appeared without getting consent from him and a settlement was arrived. Hence, he raised strong objections.

2. Mr.M.Shankarnath, learned counsel for respondents 1 and 2 appeared.

3. On perusal of records, the matter was settled between the parties and a settlement agreement was also enclosed. In that agreement, one advocate signed as counsel for appellant, but he was not the original counsel, who is on record. However, without getting consent from the earlier counsel on record, the present counsel for appellant signed in the agreement, which is totally against the convention followed. Now, the change of vakalat was filed by the present counsel on behalf of appellant.

4. The objections raised by earlier counsel for appellant Mr.T.A.Shagul Hameed is recorded. However, before the mediation centre,



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both the parties along with their counsels appeared and the matter was amicably settled between the parties. Accordingly, they have entered into a compromise and a settlement agreement was also executed between them. In the said circumstances, they prayed to dispose the appeal.

5. Based on the terms and conditions agreed between them by way of settlement agreement executed by them, this Appeal Suit is disposed of. Furthermore, since the matter is settled out of court, the entire court fee is ordered to be refunded to the appellant by the Registry within a period of three weeks from the date of receipt of copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition is closed. The Settlement Agreement executed between the parties shall form part and parcel of the decree.

19.09.2023

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To

VII Addl. Judge, City Civil Court, Chennai.

T.V. THAMILSELVI, J.



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