



A.S.No.821 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MS. JUSTICE R.KALAIMATHI

A.S.No.821 of 2019

and

CMP.No.25312 of 2019

K.Baskaran

... Appellant

Vs.

D.Mohan

... Respondent

Prayer : Appeal Suit filed under Section 96 of Code of Civil Procedure against the judgment and decree dated 08.01.2019 in O.S.No.116 of 2016 on the file of 1st Additional District and Sessions Judge, Cuddalore against the Appellant/Defendant.

For Appellant	:	Mr.G.Vetrivel Rajan
For Respondent	:	Mr.Titas Enock



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J U D G M E N T

WEB COPY Today, when the matter is taken up for hearing the learned counsel appearing on either side submitted that the matter has been settled out of Court. A Memo dated 22.02.2023, which has been signed by both the parties along with their respective counsels, has been filed to that effect. The terms of said Memo is extracted hereunder:

"1. It is respectfully submitted that the Hon'ble Court may be pleased to permit the appellant to withdraw his appeal because the matter has been settled out of court.

2. It is submitted that the respondent/plaintiff had filed a pro-note suit for Rs.25,00,000/- as OS 116/2016 in the 1st Additional District and Sessions Judge Court, Cuddalore, and he succeeded in the suit, and against that trial court order, the appellant/defendant filed the appeal before the Hon'ble Court in A.S.No.821/2016.

3. It is submitted that both parties would like to settle the matter out of court and that the respondent has received a sum of Rs.20,00,000/- out of a pro-note amount of Rs.25,00,000/- for which the respondent has received a sum of Rs.10,00,000 (ten lakhs) in cash on 19.02.2023 and the remaining Rs.10,00,000 (ten lakhs) by cheque, bearing No.000050 dt.19.02.2023.

Therefore, the Hon'ble Court may be pleased to accept this memo and order the appellant to withdraw the



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appeal in the interest of justice."

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2.Recording the Memo dated 22.02.2023, the Appeal is dismissed as settled out of Court. This Memo shall form part of the Judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

3.The Registry is directed to refund the eligible Court fee to the Appellant in terms of the Tamil Nadu Court Fees and Suit Valuation Act, 1955. No costs.

(S.V.N., J.) (R.K.M., J.)
22.02.2023

arr

Internet : Yes

Index : Yes / No

To

1.The Additional District and Sessions Judge
Cuddalore.

2.The Section Officer,
VR Section, High Court,
Chennai.

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S.VAIDYANATHAN, J.
and
R.KALAIMATHI, J.

arr

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