



A.S.No.500 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

A.S.No.500 of 2019
and
C.M.P.Nos.14056 & 25709 of 2019

Mathan Kumar

... Appellant

Versus

Baskar

... Respondent

Prayer: Appeal filed under Section 96 r/w.Order 41 Rule 1 of C.P.C. to set aside the judgment and Decree in O.S.No.192/2014 dated 28.02.2018 on the file of I Additional District Court, Salem and thereby allow this appeal.

For Appellant : Mr.M.Ravi

For Respondent : Mr.N.C.Ashok Kumar

J U D G M E N T

(Judgment of the Court was delivered by S.VAIDYANATHAN, J.)

The present appeal has been preferred against the Judgment and Decree dated 28.02.2018 made in O.S.No.192 of 2014 on the file of the learned I Additional District Court, Salem.



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2. Heard the learned counsel appearing on either side.

3. Mr.N.C.Ashok Kumar, learned counsel appearing for the respondent would submit that an interim order was passed by the Lower Court and that the said conditional order was not complied with and Execution Petition was proceeded with. In the E.P. Proceedings, taking waiver of interest, the entire amount has been paid and that the E.P. was terminated.

4. In view of the same, the contention of the learned counsel for the appellant that there was a coercion, undue influence, etc. cannot be taken into account.

5. Accordingly, the Appeal Suit is dismissed. No Costs. Consequently, the connected miscellaneous petitions are closed.

(S.V.N., J) (R.K.M., J)
23.02.2023

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
rsi



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To
The I Additional District Judge,
Salem.



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

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and
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