



S.A(MD)No.150 of 2007

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

**S.A(MD)No.150 of 2007
and
C.M.P(MD)No.10306 of 2023**

Murugan

... Appellant

Vs.

Kittu Das

... Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.132 of 2006, on the file of the Principal Subordinate Judge, Tirunelveli dated 18.09.2006 by reversing the judgment and decree passed in O.S.No.500 of 2004 on the file of the I Additional District Munsif, Tirunelveli dated 13.04.2006.

For Appellant : Mr.S.Kadarkarai
For Respondent : Mr.S.Meenakshisundaram
Senior Counsel
for Mr.R.T.Arivukumar



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J U D G M E N T

The learned counsel appearing for the appellant as well as the respondent would submit that the parties have settled the disputes and also filed a Memorandum of Compromise, dated 25.09.2023 evidencing the terms of settlement.

2. The respondent/plaintiff herein filed a suit in O.S.No.500 of 2004, on the file of the I Additional District Munsif, Tirunelveli. The above suit was dismissed. Against which, the respondent filed A.S.No.132 of 2006, on the file of the Principal Subordinate Court, Tirunelveli. The said first appeal was allowed. Now, challenging the said judgment and decree passed by the first appellate Court, the appellant/defendant has filed the present second appeal before this Court.

3. Pending second appeal, both the parties settled their issues amicably and they entered into compromise. Today both the appellant and the respondent are present before this Court and they have filed a joint



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memo of compromise, dated 25.09.2023. The terms and conditions of the joint memo of compromise, dated 25.09.2023 also read over and explained and both the parties have accepted the terms and conditions, which has been reduced in writing. Both the parties and the counsel on record signed the Joint Compromise Memo, dated 25.09.2023.

4. In view of the same, the memorandum of compromise is recorded. The second appeal is dismissed and the judgment and decree passed in A.S.No.132 of 2006, on the file of the Principal Subordinate Court, Tirunelveli is confirmed in terms of joint compromise memo dated 25.09.2023. The terms of joint memo of compromise, dated 25.09.2023 shall form part of the decree. No costs. In view of the compromise arrived between the parties, C.M.P(MD)No.10306 of 2023 is dismissed.

Index : Yes / No

Speaking Order : Yes / No

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To

- 1.The Principal Subordinate Judge,
Tirunelveli.
- 2.The I Additional District Munsif,
Tirunelveli.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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