



S.A.(MD).No.68 of 2019

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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2023**

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.68 of 2019
and
C.M.P.(MD)No.2142 of 2019

1. Latha
2. Chandra Kala
3. Narayanaperumal ... Appellants

/Vs./

Srimathi ...Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree passed by the Principal Subordinate Court, Nagercoil, dated 30.10.2018 made in A.S.No.71 of 2017, confirming the Judgment and Decree passed by the Additional District Munsif Court, Nagercoil, made in O.S.No.490 of 2010 dated 24.03.2017 and allow the Second Appeal.

For Appellants : Mr.D.Srinivasaragavan

For Respondent : Mr.D.Pragalathan



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JUDGMENT

This Second appeal has been filed against the Judgment and Decree passed by the Principal Subordinate Court, Nagercoil, dated 30.10.2018 made in A.S.No.71 of 2017, confirming the Judgment and Decree passed by the Additional District Munsif Court, Nagercoil, made in O.S.No.490 of 2010, dated 24.03.2017

2. Heard Mr.D.Srinivasaragavan, the Learned Counsel appearing for the Appellants and Mr.D.Pragalathan, the Learned Counsel appearing for the Respondent and perused the material documents available on record.

3. For the sake of convenience, the contesting parties shall be referred to as Plaintiff and Defendants. The Defendants are the appellants and the plaintiff is the Respondent herein.

4. The Plaintiff has filed a suit in O.S.No.490 of 2010 before the Learned Additional District Munsif Court, Nagercoil to pass



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Decree directing the defendants to vacate the Plaint schedule property and surrender vacant possession to the Plaintiff and the suit was decreed in favour of the Plaintiff on 24.03.2017. Against the said Judgment and Decree, the Defendants have preferred an appeal in A.S.No.71 of 2017 before the Principal Subordinate Court, Nagercoil and the said appeal suit was decreed in favour of the Plaintiff. This Second Appeal is filed against the concurrent findings given by the Courts below.

5. Pending Second appeal the matter was referred to the Mediation and Conciliation Centre attached to this Court. The matter was settled amicably between the parties and the Statement of Agreement was produced before this Court. The Statement of Agreement is reproduced hereunder:



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STATEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on
12.10.2023 between

1. Latha
2. Chandrakala
3. Narayan Perumal



-Vs-

Srimathi

Respondent

Whereas

1. Disputes and difference had arisen between the parties hereto and S.A (MD)No.68/2019 was filed on 22.02.2019 before Hon'ble Madurai High Court Bench, Madurai.
2. The matter was referred to mediation/ conciliation vide an order dated 24.08.2023 passed by Hon'ble Mr.Justice C.Kumarappan
3. The Parties agreed that T.Murugan would act as their Mediator/Conciliator
4. Several meeting were held during the process of Mediation/conciliation on 31.08.2023 to 12.10.2023 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an

P. Latha
T. Chandrakala

G. Sreemathi



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amicable solution resolving the above mentioned disputes and differences.

5. The Parties here to confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

6. The Following settlement has been arrived at between the Parties hereto:

A. Both the parties agreed for a amicable settlement under the following conditions..

B. The Respondent agreed to pay a sum of Rs. 5 lakhs (Rs.5,00,000/-) to the appellants..

C. The amount in cash given to the appellants and the appellants received the cash.

D. The appellants vacated the house and taken all things from the house and handed over the key to the respondent and the respondent received the house key.

E. The respondents are permitted to get the original settlement deed marked as Ex A1, before the Trial Court for which the appellants has no objection.



S. Lakshmi
Chandrasekhar

S. Sreemathi



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7. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to S.A(MD)No.68/2019 (Case No) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliator/ Mediation.

Date: 12.10.2023

Parties Signature:

(Appellants)

(Respondent)

G. Lakshmi
P. Chandan Kumar


S. Sreemathi

Counsel's Signature:

(Appellants)

(Respondent)


(D. S. N. M. PRABHAKAR)

N. K. M. S.
(N. K. M. SATHAN)





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6. Hence, the Second Appeal is disposed of in terms of the Statement of Agreement. The suit shall be decreed as per the Statement of Agreement. The Statement of Agreement, dated 12.10.2023 shall form part and parcel of this Judgment. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

13.10.2023

Index : Yes / No
NCC : Yes / No
ksa

TO:

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



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S.SRIMATHY, J.

ksa

Judgment made in
S.A.(MD)No.68 of 2019

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