



S.A(MD)No.64 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2023**

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

S.A(MD)No.64 of 2017

and

C.M.P(MD)No.1283 of 2017

S.Mahalingam (Died)

... Appellant/Appellant/
Defendant

2.M.Vanitha

3.M.Nirupashree (Minor)

4.M.Hanishka Shree (Minor)

... Proposed Appellants

(Appellants 2 to 4 are brought on record as legal heirs of the deceased sole appellant vide Court order, dated 14.12.2021 made in C.M.P(MD)Nos. 10389,10390 & 10391 of 2021)

Vs.

S.V.Ramasamy

.. Respondent/Respondent/
Plaintiff

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 02.02.2016 made in A.S.No.50 of 2015 on the file of VI Additional District Court, Madurai confirming the judgment and decree, dated 15.04.2015 made in



S.A(MD)No.64 of 2017

O.S.No.351 of 2008 on the file of the Sub Court, Madurai.

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For Appellants : Mr.S.Vellaichamy

For Respondent : Mr.M.Saravanan

JUDGMENT

Both side counsels are present.

2. This Court has referred this matter for mediation. Before mediation, both the parties have entered into an agreement on 26.07.2023. The relevant clause of the mediation agreement is as follows:

“A. The appellants 2 to 4 agrees to pay Rs. 1,40,000/- (Rupees One Lakh Fourty Thousand only) on or before 26.10.2023 to the respondent towards full and final settlement of the respondent's claim in S.A(MD)No. 64 of 2017.

B. If the appellants failed to pay the above amount on or before 26.10.2023, then the decree passed in O.S.No.351 of 2008 on the file of III Additional



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S.A(MD)No.64 of 2017

Subordinate Judge's Court, Madurai as confirmed by the appellate Court will revive and the appellants 2 to 4 are personally liable to pay the same.”

3. Since the matter has been settled before the mediation, this Second Appeal is **disposed of** in accordance with the mediation agreement, dated 26.07.2023. The mediation agreement shall form part of the order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

07.08.2023

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Index : Yes / No

Internet : Yes / No

To

- 1.The VI Additional District Court,
Madurai.
- 2.The Sub Court,
Madurai.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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S.A(MD)No.64 of 2017

C.KUMARAPPAN,J.

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Order made in
S.A.(MD)No.64 of 2017

Dated:
07.08.2023