



S.A(MD)No.76 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No.76 of 2017

1. M.S.Krishnaram [Died]

2. K.Pangajavalli ... Appellants

[2nd Appellant is brought on record as Legal representative of the deceased sole appellant, vide Order of this Court, dated 13.07.2023]

Vs.

Bhavani Meena ... Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Decree and Judgment, dated 02.12.2015 made in A.S.No.39 of 2014 on the file of the Principal District Court, Madurai which reversed the Judgment and Decree passed by the II Additional Sub Court, Madurai, in O.S.No.1118 of 2012, dated 18.07.2014.

For Appellants : Mr.P.R.Prithvraj

For Respondent : Mr.S.Mahesh Babu



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JUDGMENT

This Second Appeal is filed against the Judgment & Decree, dated 02.12.2015 in A.S.No.39 of 2014 on the file of the Principal District Court, Madurai, which reversed the Judgment and Decree passed by the II Additional Sub Court, Madurai, in O.S.No.1118 of 2012, dated 18.07.2014.

2. For the sake of convenience, the contesting parties shall be referred to as Plaintiff and Defendant. The Plaintiff is the Appellant and the Defendant is the Respondent herein.

3. The plaintiff has filed a suit in O.S.No. 1118 of 2012 for Preliminary Decree for redemption of mortgage, directing the defendant to vacate and hand over the possession and also directing the defendant to pay a sum of Rs.10,000/-from the date of suit till handing over possession of the properties towards damages. The suit was decreed in favour of the plaintiff. Against the judgment and decree, the defendant has preferred an appeal in A.S.No.39 of 2014.



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The judgment and decree was reversed in the Appellate Court. Aggrieved over the same, this Second appeal is filed.

4. It is represented by both sides that during the pendency of this Second appeal, the parties have settled their issue among themselves. In support of their contention a memo, dated 21.12.2023 has also been filed. In the said memo, both the parties and their respective counsels have signed. The terms of the settlement is that the defendant has to hand over the possession of the property to the plaintiff, inturn the plaintiff has to deposit a sum of Rs.1,75,000/- in the suit. It is submitted already the aforesaid amount has been deposited with accrued interest.

5. Recording the aforesaid memo, the defendant is directed to hand over the possession to the plaintiff and after handing over the possession, the defendant is entitled to withdraw the said deposited amount.

6. With the above terms, this Second Appeal is allowed. The Decree and Judgment, dated 02.12.2015 in A.S.No.39 of 2014 on the file of the Principal



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District Court, Madurai, which reversed the Judgment and Decree passed by the II Additional Sub Court, Madurai, in O.S.No.1118 of 2012, dated 18.07.2014 are modified as stated in compromise memo. The memo, dated 21.12.2023 shall form part and parcel of the Judgment. No Costs.

Index : Yes / No
Internet : Yes
KSA

21.12.2023



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To

1. The Principal District Court,
Madurai.
2. The II Additional Sub Court,
Madurai.
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.76 of 2017**

21.12.2023