



WEB COPY



S.A.No.296 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

S.A.No.296 of 2010
and M.P.No.1 of 2010

1.K.Jayanthi

2.K.Shanmughapriya

3.K.Mohan (a) Mahesh (Died)

4.M.Revathi

5.M.R. Vishwa

6.M.R.Shivani

(A5 & A6 represented by mother as natural guardian)

7.K.Rajeshwari

(Appellants 4 to 7 brought on record as LR's of third appellant vide order of Court dated 18.04.2023 made in C.M.P.No.606 of 2023 by RHJ)

... Plaintiffs/Respondents/Appellants Cross Objectors

Vs.

1.Chamundeeswari Ammal

... 3rd Defendant/Appellant/Respondent

Respondent

2.Vijayammal

3.Vasanthammal

4.Kuppan (Exonerated)

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5.T.Velayutham (Exonerated)

6.V.Prasanth (Exonerated)

(R4 to R6 exonerated vide Court order dated 25.01.2022 RPAJ)

... Defendants/Respondents/Respondents 1,2,4,5,6

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, against the Judgment and Decree in A.S.No.9 of 2006 and Cross Objection No.9 of 2006, on the file of the Additional Subordinate Court, Chengalpattu, dated 31.03.2009 reversing the judgment and decree in O.S.No.394 of 1996 on the file of the District Munsif Court, Chengalpattu, dated 07.10.2005 and pray that the same may kindly be set aside.

For Appellants : Mr.C.Jagadish

For Respondent 1 : Mr.F.B.Benjamin George

For Respondent 2 : Mr.P.Deenadayalan

For Respondents 4 to 6 : Exonerated as per the Court order
dated 25.01.2022

ORDER

When the matter was taken up for hearing, learned counsel for the appellants submitted that the matter has been settled out of the Court between the parties and he has filed a memo dated 06.11.2024 to that effect. For better appreciation and understanding, the relevant portion of the memo is



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extracted hereunder:

“The appellants submit that the dispute in the above second appeal has been settled out of Court.

The appellants therefore pray that the above second appeal may kindly be dismissed as settled out of Court.”

3. The appellants' memo dated 06.11.2024 is taken on record by this Court.

4. Recording the aforesaid memo dated 06.11.2024 filed by the appellants, this second appeal is dismissed as settled out of the Court and the appellants are entitled to refund of Court fee as per the decision of the Hon'ble Supreme Court of India in ***High Court of Judicature at Madras represented by its Registrar General Vs., M.C.Subramanian and others, 2021 3 SCC 560***. No costs. Consequently, connected miscellaneous petition is closed.

18.11.2024

vm

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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J.SATHYA NARAYANA PRASAD,J.

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