



WEB COPY



S.A.No.796 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.796 of 2021
and
C.M.P.No.15388 of 2021

K.Elumalai

... Appellant

Vs.

C.Anbalagan

... Respondent

Prayer:- Appeal is filed under Section 100 of C.P.C to set aside the judgment and decree dated 11.02.2021 made in A.S.No. 15 of 2017 on the file of the III Additional District Court, Villupuram @ Kallakurichi confirming the judgment and decree dated 11.10.2017 made in O.S.No. 53 of 2011 on the file of the Ld.Sub Court, Kallakurichi by allowing this Second Appeal.

For Appellant : M/s.N.Manokaran

For Respondent : M/s.R.Bharath Kumar



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JUDGEMENT

On the last occasion i.e; on 26.03.2024, this Court had recorded the following:-

"The learned counsel for the appellant would submit that his parties are not responding and therefore he is unable to inform the Court as to whether the settlement has actually taken place.

Mr.S.R.Bharath Kumar would submit that he has instructions that the parties has settled the dispute and closed the matter.

For providing proof of settlement, post on 28.03.2024."

2. The matter was listed today for the counsel for the respondents to provide proof that a settlement has been arrived at between the parties. Today, Mr.Bharath Kumar, learned counsel for the sole respondent submitted a copy of the affidavit filed in I.A.No.1143 of 2022 in O.S.No.53 of 2011 on the file of the Sub



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Court, Kallakurichi which is an application filed by the respondent before the Court for withdrawing the balance sale consideration that he had deposited to the credit of the suit. In the said affidavit he has referred to the pendency of the above Second Appeal and he has also stated that the parties had initiated a settlement whereunder the respondent has been permitted to withdraw the balance sale consideration that had been deposited.

3. In view of the above, the Second Appeal is dismissed as settled out of Court. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
shr

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1. The III Additional District Court, Villupuram @ Kallakurichi.

2. The Sub Court, Kallakurichi.

P.T.ASHA, J.,

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