



S.A.No.923 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

S.A.No.923 of 2021
and C.M.P.No.17449 of 2021

V.N.Ramasamy

... Appellant/Appellant/Defendant

Vs.

Santhi

... Respondent/Respondent/Plaintiff

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, to set aside both the judgment and decree dated 30.11.2020 made in A.S.No.41 of 2020 on the file of the Principal District Judge, Namakkal, and confirming the judgment and decree dated 10.03.2020 made in O.S.No.153 of 2009 on the file of the Principal Sub-Court, Namakkal, by dismissing the suit.

For Appellant : Mr.S.Thirumurugan
for Mr.S.Senthil

For Respondent : M/s.S.Uma Maheswari
for Mr.C.Jagadish

ORDER

Mr.S.Thirumuguran, learned counsel representing the learned counsel



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on record for the appellant and Ms.S.Uma Maheswari, learned counsel representing the learned counsel on record for the sole respondent are before this Court.

2. When the matter is taken up for hearing, learned counsel for the appellant submitted that the matter has been settled out of Court between the parties and he has filed a memo to that effect. For better appreciation and understanding, the relevant portion of the memo is extracted hereunder:

“During the pendency of the Second Appeal, the Appellant has paid the entire Decree amount to the Respondent. Therefore, the Appellant in view of the above, does not seek to press the above Second Appeal for any further relief and pays that this Hon'ble Court may be pleased to record this settled out of Court memo and permit the Appellant to withdraw the above Second Appeal by refunding the court fees paid on the above Second Appeal”

3. The appellant's memo dated 14.08.2024 is taken on record by this Court.

4. In view of the memo filed by the appellant, this second appeal is dismissed as settled out of Court and the appellant is entitled to refund of



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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.

14.08.2024

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



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R.SAKTHIVEL,J.

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