



S.A.(MD).No.201 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2024

CORAM

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**S.A.(MD).No.201 of 2024**  
**and C.M.P.(MD).No.4189 of 2024**

1.M.Thogaimayil  
2.M.Podhumponnu  
3.M.Rajaji  
4.M.Hemalatha  
5.M.Balaji  
6.M.Lathika

... Appellants/Appellants/Defendants

Vs.

KR.Kumararaja

... Respondent/Respondent/Plaintiff

**PRAYER :** Second Appeal filed under Section 100 of the Civil Procedure Code, to call for the records and set aside the decree and judgment dated 30.08.2023 made in A.S.No.19 of 2021 on the file of Additional District Court, Sivagangai, confirming the Judgment and decree, dated 23.09.2021, made in O.S.No.36 of 2019 on the file the Sub Court, Manamadurai.

For Appellants : Mr.A.Arumugam

For Respondent : Mr.S.Parthasarathy



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## **JUDGMENT**

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This second appeal has been preferred to set aside the decree and judgment dated 30.08.2023 made in A.S.No.19 of 2021 on the file of Additional District Court, Sivagangai, confirming the Judgment and decree, dated 23.09.2021, made in O.S.No.36 of 2019 on the file the Sub Court, Manamadurai.

2.The respondent as plaintiff filed the suit in O.S.No.36 of 2019 on the file of the sub Court, Manamadurai, for recovery of money. That was decreed as prayed for with costs. Aggrieved over the same, the defendants filed the appeal in A.S.No.19 of 2021 on the file of the Additional District Court, Sivagangai. That was dismissed concurring with the finding of the trial Court. Against which, this second appeal has been filed by the defendants.

3.Pending appeal, the learned counsel for the respondent would submit that the matter has been settled out of the Court between the parties for a sum of Rs.4,25,000/-. Out of which, Rs.2,00,000/- was deposited and the remaining amount to be paid by the appellant within a



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period of two months. So also agreed before this Court by the parties today.

3.In view of the above settlement reached between the parties out of the Court, nothing survives for further consideration in this matter.

4.The respondent is permitted to withdraw the amount that was deposited by the appellant before the trial Court, over which the appellant has no objection. Let the above said promise be complied by the appellant without fail.

5.In view of the above, this second appeal stands disposed of on the above said terms. No costs. Consequently, connected miscellaneous petition is closed. Let half of the Court fee paid on the appeal memorandum be refunded to the appellant after deducting the usual deductions.

**08.07.2024**

Index : Yes / No  
Internet : Yes / No  
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To

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- 1.The Additional District Judge, Sivagangai.
- 2.The Subordinate Judge, Manamadurai.
- 3.The Section Officer,  
E.R.Section/V.R.Section,  
Madurai Bench of Madras High Court, Madurai.



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**G.ILANGOVAN,J.**

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