



S.A.(MD).No.362 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.362 of 2021

P. Balasubramani

... Appellant

/Vs./

P. Periyasamy

...Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree passed in AS No.5 of 2019 dated 28.01.2020 on the file of the District Court, Karur by confirming the judgment and decree passed in O.S No.395 of 2010 dated 21.07.2017 on the file of the Principal Subordinate Court, Karur and to allow the Second Appeal and thus render justice.

For Appellant : M/s.Mahalakshmi

For Respondent : Mr.S.Ponsenthil Kumaran

JUDGMENT

This Second Appeal is filed by the Appellant to set aside the judgment and decree passed in AS No.5 of 2019 dated 28.01.2020 on the file of the District Court, Karur by confirming the judgment and decree



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passed in O.S No.395 of 2010 dated 21.07.2017 on the file of the Principal Subordinate Court, Karur.

2. The suit in O.S.No.395 of 2010 was filed by the plaintiff against the defendant for recovery of money. The said suit was decreed in favour of the plaintiff. Against the same, the defendant has preferred an appeal and the same was dismissed. Against which, this Second Appeal is filed.

3. Pending this Appeal, by Order of this Court, dated 06.02.2024 this matter was referred to Mediation and Conciliation Centre attached to this Bench for settling the issue between the parties.

4. Accordingly, this matter was referred to the Mediation and Conciliation Centre and the issue was settled between the parties. The Settlement Agreement is extracted hereunder:

....

“6. The following settlement has been arrived between the parties hereto. Both parties agreed to the following terms:



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a. The parties in the above second appeal have reached a compromise and settled the matter for a final amount of Rs. 6,25,000/-(Rupees Six lakhs Twenty Five Thousand Only) as follows.

b. The Appellant herein agreed to pay the final amount of Rs.6,25,000/-(Rupees Six lakhs Twenty Five Thousand Only) in four instalments mentioned below:

- i). Rs.3,00,000/-to be paid on or before 06.03.2024.*
- ii). Rs.1,00,000/-to be paid on or before 10.04.2024.*
- iii).Rs.1,00000/- to be paid on or before 10.05.2024.*
- iv).Rs.1,25,000/- to be paid on or before 10.06.2024”.*

4. Based on the settlement terms, this Second Appeal is disposed of. The Settlement agreement shall be formed part and parcel of this Judgment and Decree. Since this matter is settled before the Mediation Centre, the parties are entitled to refund of Court fee. No Costs.

20.03.2024

Index : Yes / No
NCC : Yes / No

KSA



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TO:

1. The District Court, Karur.
2. The Principal Subordinate Court, Karur
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.362 of 2021

Dated:
20.03.2024