



S.A.(MD).Nos.813 & 814 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

S.A.(MD).Nos.813 & 814 of 2022
and C.M.P.(MD).Nos.12471 & 12472 of 2022

S.A.(MD).No.813 of 2022:

- 1.R.Subramani
- 2.S.Kandasamy
- 3.S.Ramkumar
- 4.S.Lakshumanakumar

... Appellants/Appellants/

1 to 4 Defendants

Vs.

- 1.G.Ganesan ... 1st Respondent/1st Respondent/Plaintiff
- 2.V.Subramaniam ... 2nd Respondent/2nd Respondent/5th Defendant

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to call for the records and set aside the Judgment and Decree, dated 20.04.2022 in A.S.No.17 of 2021 on the file of the District Judge, Karur, confirming the Judgment and Decree dated 15.04.2021 in O.S.No.32 of 2018, on the file of the Sub Court, Kulithalai.



S.A.(MD).Nos.813 & 814 of 2022

S.A.(MD).No.813 of 2022:

R.Subramani

... Appellant/Appellant/1st Defendants

Vs.

1.G.Ganesan

... 1st Respondent/1st Respondent/Plaintiff

2.V.Subramaniam

... 2nd Respondent/2nd Respondent/5th Defendant

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to call for the records and set aside the Judgment and Decree, dated 20.04.2022 in A.S.No.18 of 2021 on the file of the District Judge, Karur, confirming the Judgment and Decree dated 15.04.2021 in O.S.No.31 of 2018, on the file of the Sub Court, Kulithalai.

For Appellants : Mr.H.Lakshmi Shankar

For Respondents : Mr.K.Suresh for R1
(In Both Matters)

JUDGMENT

This appeal is directed against the Judgment and Decree, dated 20.04.2022 in A.S.Nos.17 and 18 of 2021 on the file of the District Judge, Karur, confirming the Judgment and Decree dated 15.04.2021 in O.S.Nos.32 and 31 of 2018, on the file of the Sub Court, Kulithalai.

2.The Plaintiff who is the first respondent herein filed the above



S.A.(MD).Nos.813 & 814 of 2022

said original suits before the Sub Court, Kulithalai, based on the mortgage deed executed by the power agent of the appellant, who is the second respondent herein. The suits were decreed by the trial Court. Against which, appeals were preferred before the District Judge, Karur. The appeals were dismissed confirming the decree of the trial Court. Against which, these second appeals have been filed.

3.It is submitted by the learned counsel on record for the second respondent namely V.Subramanian is the power agent of first appellant namely R.Subramanian. He did not appear either before the trial Court or before the appellate Court. Now the matter has been compromised between the appellant and the first respondent herein. Joint compromise memo has been filed by both parties.

4.Both parties except V.Subramaniam, in both matters present before this Court. Plaintiff, G.Ganesan admitted that he received Rs.7,00,000/- in total in both the matters. Title documents have been handed over to the mortgagee.



S.A.(MD).Nos.813 & 814 of 2022

5.In view of the above said joint compromise memo, the judgment and decree passed by the trial Court as well as appellate Court in both cases are hereby set aside. Both the suits namely O.S.Nos.31 & 32 of 2018 on the file of the learned Sub Judge, Kulithalai, are decreed in terms of compromise. Accordingly, both second appeals stand disposed of. No costs. The above said joint compromise memo shall form part of the decree. Consequently, connected miscellaneous petitions are closed.

24.07.2024

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The District Judge, Karur.
- 2.The Sub Judge, Kulithalai.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



S.A.(MD).Nos.813 & 814 of 2022

G.ILANGO VAN,J.

TM

S.A.(MD).Nos.813 & 814 of 2022

24.07.2024