



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No. 206 of 2021

and

C.M.P(MD)Nos. 2998 & 2999 of 2021

Amutha

... Appellant

Vs.

Perumal

... Respondent

PRAYER: Second Appeal is filed under Section 100 of Civil Procedure Code, to set aside the Judgment and Decree, dated 02.01.2019 passed in A.S.No.73 of 2018 on the file of the Subordinate Judge, Thoothukudi reversing the Judgment and Decree, dated 09.11.2017 passed in O.S.No.51 of 2013 on the file of the Additional District Munsif Court, Thoothukudi.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondent : Mr.S.Kumar

JUDGEMENT

This Second appeal is filed to set aside the Judgment and Decree, dated 02.01.2019 passed in A.S.No.73 of 2018 on the file of the Subordinate Judge, Thoothukudi reversing the Judgment and Decree, dated 09.11.2017



passed in O.S.No.51 of 2013 on the file of the Additional District Munsif Court, Thoothukudi.

2. For the sake of convenience, the contesting parties shall be referred to as Plaintiff and Defendant. The defendant is the Appellant and the plaintiff is the Respondent.

3. The defendant has filed the Appeal against the judgment passed in O.S.No.51 of 2013 and the prayer in the suit is to declare the Will dated 26.03.2007 as fraud. It is seen that the parties have also filed a suit in O.S.No. 159 of 2015 and another suit in O.S.No.12 of 2016. In the said subsequent suits, the parties have entered into compromise and the same is recorded vide, Judgment dated 23.02.2024. In the said compromise, it is agreed that the present Second Appeal in S.A.No.206 of 2021 shall not be prosecuted by the parties.

4. Recording the said settlement, this Second Appeal is dismissed for non-prosecution. Both the parties are directed to act as per the compromise. The Appellant has accepted the Will and the schedule of property has gone to the defendant as per the settlement.



5. Accordingly, this Second Appeal is dismissed for non-prosecution based on the settlement entered between the parties. No Costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Subordinate Court,
Thoothukudi.
2. The Additional District Munsif Court,
Thoothukudi.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

Order made in
S.A(MD)No. 206 of 2021

04.03.2024