



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01-07-2025

CORAM

**WEB COPY THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
AS No. 224 of 2022**

1. Tmt.S.Vallinayagam
W/o.Late R.Shanmugam, Sole Proprietary of
M/s. Balaji Castings, Door No.11/A Prabhu
Nivas, Arum Homes, V.T.V.Nagar,
S.N.V.Garden, Nanjundapuram Road,
Ramanathapuram, Coimbatore 641045 Appellant(s)

Vs

1. S.Jagannathan
S/o.Subburathinam Chettiar,
Proprietor of M/S Bharathi Finance,
Sri Radha Nivas, Door No.68, 3rd Street,
Ponniah Rajapuram, Coimbatore Respondent(s)

PRAYER Appeal suit filed under Order 41 Rule 1 and Section 96(1) of Code of Civil Procedure to allow this appeal by setting aside the judgment and decree dated 12.11.2021 made in OS No.295/2015 on the file of the I Additional District Judge, Coimbatore.

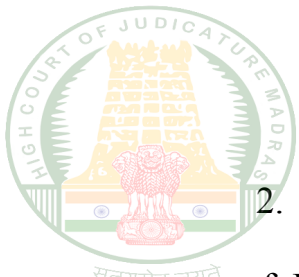
For Appellant(s): Mr. S.Saravanan

For Respondent(s): No appearance

JUDGMENT

(Order of the Court was made by J.Nisha Banu J.)

This Appeal Suit has been filed, challenging the judgment and decree dated 12.11.2021 made in OS No.295/2015 by the learned I Additional District Judge, Coimbatore.



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2. The respondent/plaintiff has filed the above said suit for recovery of a sum of Rs.77,97,047/- from the appellant herein/defendant with subsequent interest at the rate of 18% p.a. and the same was decreed on 12.11.2021 and the said decree is impugned herein. In the meanwhile, in order to execute the decree, the respondent/plaintiff also filed an execution petition in E.P.No.55 of 2022 before the I Additional District Judge, Coimbatore.

3. Today, when the matter is listed for hearing, learned counsel for the appellant filed a memo before this court stating that during the pendency of the execution petition as well as this appeal, the matter in E.P.No.55 of 2022 in O.S.No.295 of 2015 was referred before the Lok Adalat conducted by the District Legal Service Authority, Coimbatore for amicable settlement. Accordingly, on 14.09.2024, the matter was came before the I Additional District Judge, Coimbatore and settlement was arrived between the parties, as the appellant/defendant paid a sum of Rs.50,00,000/- (Rupees fifty lakhs) on various dates to the respondent/plaintiff and the same was agreed by both the parties as full and final settlement. In view of the above settlement entered into between them, the appellant herein/ defendant had agreed to withdraw the present appeal suit (A.S.No.224 of 2022) filed against the decree and judgment made in O.S.No.295/2015 and the respondent/ plaintiff agreed that he is not liable to claim any amount from the appellant/defendant in future. Accordingly,



the case was disposed of and an Award was passed in terms of above said settlement. Hence, he prayed to record the memo and to refund the court fee paid by him before this court in the appeal suit, in accordance with the provisions of Section 69-A of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

4. The Lok Adalat Award passed by the I Additional District Judge, Coimbatore in E.P.No.55 of 2022 in O.S.No.295 of 2015 is also produced before this court.

5. There is no representation on behalf of the respondent.

6. Recording the memo and the Lok Adalat Award passed by the I Additional District Judge, Coimbatore dated 14.09.2024, this appeal is disposed of, in terms of the compromise entered into between the parties before the Lok Adalat, The Award passed by the Lok Adalat shall form part and parcel of the decree. The appellant is entitled to refund of court fees, paid by him in this appeal, as per the rules.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
01-07-2025

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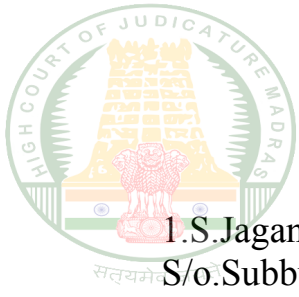
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To



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1.S.Jagannathan

S/o.Subburathinam Chettiar,

Proprietor of M/S Bharathi Finance,

Sri Radha Nivas Door No.68, 3rd

Street, Ponniah Rajapuram, Coimbatore



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**J.NISHA BANU J.
AND
M.JOTHIRAMAN J.**

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