



S.A.(MD)No.79 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.06.2025

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

S.A.(MD)No.79 of 2018

and

C.M.P.(MD)No.1691 of 2018

M.Bose (died)
2.B.Kanmani
3.B.Sowbaraniya
4.B.Madumitha
((AA2 to 4 are brought on record as LR's of the
deceased sole appellant vide order dated 04.02.2025
made in CMP(MD)No.5807 of 2022)

... Appellants

-vs-

S.P.Ramasubramani

..Respondent

PRAYER: Second Appeals filed under Section 100 Code of Civil Procedure, against the common judgment and decree dated 10.11.2017 made in A.S.No.20 of 2016 on the file of the Fast Track Mahila Court, Dindigul, modifying the judgment and decree dated 01.12.2015 made in O.S.No.87 of 2006 of 2006 on the file of the Principal Sub Judge, Dindigul.

For Appellants
For Respondent

... Mr.Babu Rajendran
... Mr.V.Balasubramanian



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JUDGMENT

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The defendant has preferred the second appeal.

2. The second appeal is filed challenging the judgment and decree dated 10.11.2017 in A.S.No.20 of 2016 on the file of the Fast Track Mahila Court, Dindigul, modifying the judgment and decree dated 01.12.2015 in O.S.No.87 of 2006 on the file of the Principal Sub Court, Dindigul.

3. The suit for recovery of money based on a promissory note was decreed by the trial court. However, on appeal, the lower appellate court partially modified the judgment and decree, specifically with respect to the interest awarded. Aggrieved by the concurrent findings of fact, the defendant preferred the present second appeal before this Court. During the pendency of the appeal, the defendant passed away, and consequently, his legal heirs were brought on record as the appellants.

4. Pending the second appeal, the parties entered into a compromise and have resolved the dispute among themselves.



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5. In view of the compromise entered into, the legal heirs of the defendant have agreed to pay a lump sum amount of Rs. 5,00,000/- (Rupees Five Lakhs only) in two instalments, out of which the first instalment of Rs.2,50,000/- has been paid today. The balance amount shall be paid on or before 31.07.2025.

6. The parties have entered into a joint compromise memo dated 30.06.2025, which has been duly signed by both the appellants and the respondent, along with their respective counsel, and filed before this Court.

7. In view of the fact that the dispute has been amicably settled, the Second Appeal is disposed of in terms of the joint compromise memo dated 30.06.2025. The compromise memo shall form part of the decree. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

30.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn



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To:

- 1.The Judge, Fast Track Mahila Court, Dindigul.
- 2.The Principal Sub Judge, Dindigul
- 3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ARUL MURUGAN, J.

skn

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