



A.S.(MD)No.67 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**A.S.(MD)No.67 of 2017
and
C.M.P.(MD)No.4428 of 2018**

Shree Sidhart Indane Gas Service,
Rep. by its Proprietrix,
A.Seethalakshmi

... Appellant

Vs.

1.V.Seenivasan

2.The City Union Bank,
Rep. through its Branch Mnager,
794, Mian Road,
Near Sathybama Theatre,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, to set aside the judgment and decree dated 13.04.2017 passed in O.S.No.53 of 2015 on the file of the II Additional District Court, Thoothukudi.



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For Appellant : Mr.Babu Raajendran

For Respondents : Mr.V.V.Sathya,
For Mr.S.Vellaichamy for R1.
Mr.V.Sukumar for R2.

JUDGMENT

This appeal arises out of a money decree. The first respondent herein filed O.S.No.53 of 2015 on the file of the II Additional District Court, Thoothukudi for recovering a sum of Rs.49,18,640/- with interest from the appellant herein. The suit was decreed on 13.04.2017 and the appellant herein was directed to pay the plaintiff a sum of Rs.37,50,390/- with interest at the rate of 12% per annum from 28.03.2014 till filing of the suit and at the rate of 6% per annum from the date of plaint till the date of realization.

3.When the matter was taken up for hearing on the last occasion, we suggested to both the parties to amicably settle the issue.



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4.We are happy to record that the plaintiff as well as the first defendant have entered into a compromise. A joint compromise memo dated 02.04.2025 signed by the parties as well as their respective counsels has been filed. The same shall form and part of the decree.

5.In this view of the matter, the impugned judgment and decree are set aside. Since the parties have amicably settled the issue through compromise, the appellant is entitled to refund of the court fee. The Registry is directed to refund the court fee paid by the appellant to her at the earliest. The appellant had deposited a sum of Rs.8,00,000/- to the credit of O.S.No.53 of 2015 on the file of II Additional District Court, Thoothukudi by way of complying with the condition imposed by this Court when interim stay was granted in this appeal. The Court below shall act on the uploaded web copy of this judgment and it shall not wait for receipt of formal decree from this Court. The learned counsel for the appellant states that the appellant will file cheque petition during this week itself. It shall be allowed and the appellant shall be permitted to withdraw the deposited amount by the end of April 2025.



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6.This appeal is disposed of in terms of the joint compromise memo dated 02.04.2025. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
02.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

The II Additional District Court,
Thoothukudi.

Copy to:

The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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and
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