

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.03.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.M. SUNDRESH

O.S.A. No.223 of 2014

M/s. Indiabulls Housing Finance Limited
rep. by its Authorised Officer

Mr.R.Inbasekaran, having Office
at No.20, Apex Chamber
1st Floor, Theyagaraya Road
T. Nagar, Chennai 600 017.

... Appellant

vs.

Mrs. Uma Maheswari

... Respondent

Prayer: Original Side Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of the Letters Patent, to set aside the order and decree dated 30.06.2014 passed by the learned Single Judge, in A. No. 5409 of 2013 in C.S. No. 712 of 2013 on the file of this Court which was filed to reject the plaint filed by the Respondent/Plaintiff in C.S.No.712/2013 as the suit is barred by law.

For Appellant : Mr. J. Sivanandaraaj
For Respondent : Mr. N. Anand Venkatesh

J U D G M E N T

(Delivered by The Hon'ble The Chief Justice)

Learned counsel appearing for the appellant states that he has obtained instructions from the appellant to withdraw Application No. 5409 of 2013 in Civil Suit No.712 of 2013 under Order 7 Rule 11 of the Code of Civil Procedure, 1908, itself, which has given rise to the impugned order dated 30.06.2014, as the proper course of action for the fourth defendant (appellant herein) would be to let the pleadings be completed and thereafter, seek adjudication on certain issues as preliminary issues.

2. There is no objection to the aforesaid course of action by the respondent.

3. The appeal is, thus, disposed of as infructuous, as the application in which the impugned order was passed itself stands withdrawn, with liberty to the appellant to plead for trying any of the issues as preliminary issues in accordance with law. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.N.Anand Venkatesan, Advocate, S.R.No.18122
+1cc to Mr.J.Sivanandaraj, Advocate, S.R.No.18086

O.S.A. No.223 of 2014

SSI (CO)
CA(13/04/2015)



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