

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.3929 of 2015 &
M.P.No.1 of 2015

1.Haresh
2.Bharath

... Petitioners

v.

1.Syed Shafiullah
2.Gopibai Kundandas

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order in E.A.No.36 of 2015 in E.P.No.546 of 2014 in R.C.O.P.No.1063 of 2010, dated 11.09.2015 on the file of XV Small Causes Judge, Chennai.

For Petitioner : Mr.C.Prakasam
for M/s.Arulselvam Asso.

For Respondent : Mr.A.B.Fathima Sulthana

O R D E R

Since the petitioners have challenged the order passed in E.A.No.36 of 2015 in E.P.No.546 of 2014 in R.C.O.P.No.1063 of 2010 under Order 21, Rule 41 of CPC, the learned counsel appearing on behalf of the petitioners submitted that the present Civil Revision Petition is not maintainable and sought permission of this court to withdraw the Civil Revision Petition with liberty to file an appeal as against the impugned order. The learned counsel also made an endorsement to that effect in the memorandum of grounds in the Civil Revision Petition.

2. In view of the same, the above Civil Revision Petition is dismissed as withdrawn and it is open to the petitioners to challenge the impugned order by way of an appeal before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

05.11.2015

Index : Yes/No

Note : (1) Registry is directed to return the original certified copies of judgment and decree to the learned counsel for the petitioner today itself (05.11.2015)

(2) Issue copy of the order today (05.11.2015)

Rj

To

The XV Judge
Court of Small Causes, Chennai.

M. DURAISWAMY,J.,
Rj

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