

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

S.A.No.189 of 2013
and M.P.No.1 of 2013
and
C.R.P.(NPD) No.608 of 2013
and M.P.No.1 of 2013

S.A.No.189 of 2013:-

- 1.Seetha Rathinam (died)
- 2.Venkata Krishna
- 3.P.Krishna Prasad ... Appellants/Plaintiff

(Appellants 2 and 3 are brought on record
as LRs of deceased sole appellant
as per the order of this Court,
in M.P.No.2 of 2015, dated 10.12.15)

Vs.

- 1.Lakshmi
- 2.The Assistant Divisional Engineer
(Electrical) Zone VIII
Corporation of Chennai
No.64, Arcot Road
Kodambakkam
Chennai-24. ... Respondents/Defendants

(R.2 is given up)

For Appellant : Mr.A.Sivaji

For Respondents : Mr.V.Manohar for R.1

R.2 is given up

Second Appeal is preferred against the judgment and decree passed in A.S.No.423 of 2010, dated 20.01.2012 on the file of the VII Additional Judge, City Civil Court, Chennai, confirming the judgment and decree passed in O.S.No.8030 of 2007, dated

17.03.2010 on the file of the XIII Assistant Judge, City Civil Court, Chennai.

C.R.P. (NPD) No.608 of 2013:-

Lakshmi .. Petitioner/Defendant

Vs.

Seetharathinam .. Respondent /Plaintiff

For Petitioner : Mr.V.Manohar

For Respondent : Mr.A.Sivaji

Civil Revision Petition is filed against the order in E.P.No.3588 of 2010 in O.S.No.8030 of 2007 on the file of the X Assistant Judge, City Civil Court, Chennai, dated 22.01.2013.

JUDGMENT

Today, when the matters are taken up, Mr.A.Sivaji, the learned counsel appearing for the appellants has submitted that he is withdrawing the Second Appeal, as the appellant Nos. 2 and 3 have settled the matter with the first respondent and he has also made an endorsement to that effect. Mr.V.Manohar, the learned counsel appearing for the first respondent in the Second Appeal has accepted the submission of the learned counsel for the appellants that the matter has been settled and since, the appellant No.1 has died, he has no objection for the appellant Nos. 2 and 3, who are the legal representatives of the deceased 1st appellant, withdrawing the Second Appeal. Therefore, the Second Appeal is dismissed as withdrawn. Consequently, the connected Miscellaneous Petition is closed.

2. In view of the withdrawal of the Second Appeal, Mr.V.Manohar, the learned counsel appearing for the petitioner in the revision would submit that the Civil Revision Petition has become infructuous and hence, the same may be dismissed as having become infructuous and he has also made an endorsement to that effect. Therefore, the Civil Revision Petition is dismissed as having become infructuous. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Note:

The learned counsel for the appellants is permitted to file an application seeking for return of original documents and if it is available in the VR Section, the registry is directed to return the same including the Sale Deed, dated 23.04.1969, which is marked in the suit to the learned counsel for the appellants, by following the procedure.

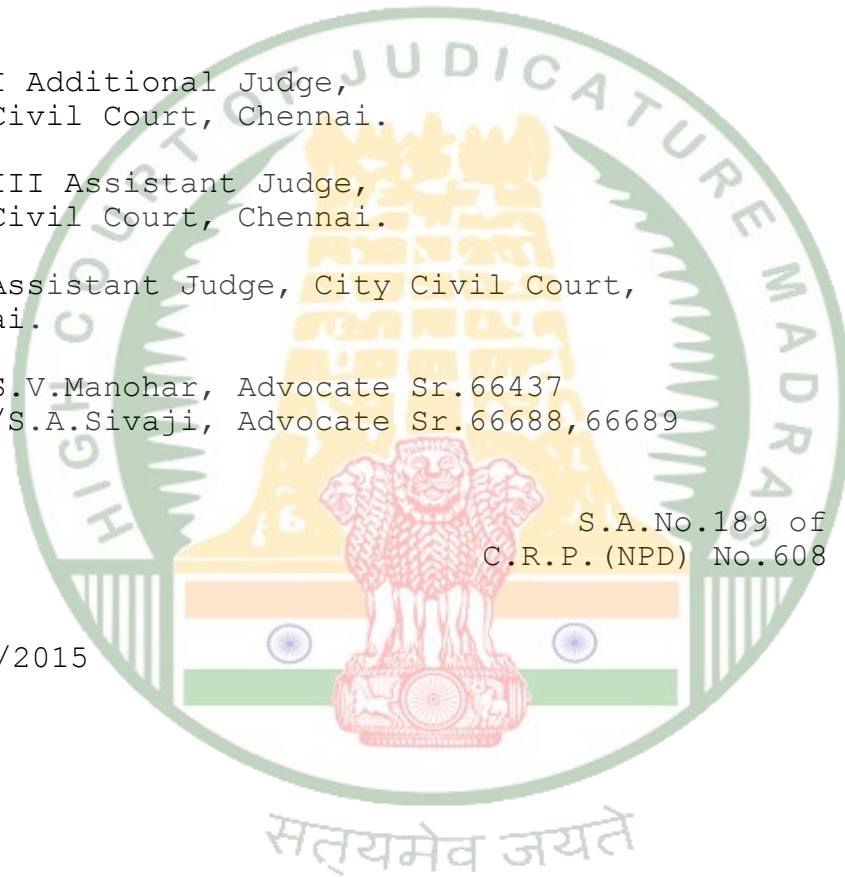
To

1. The VII Additional Judge,
City Civil Court, Chennai.
2. The XIII Assistant Judge,
City Civil Court, Chennai.
3. The X Assistant Judge, City Civil Court,
Chennai.

1cc to M/S.V.Manohar, Advocate Sr.66437
+2cc to M/S.A.Sivaji, Advocate Sr.66688,66689

S.A.No.189 of 2013 and
C.R.P. (NPD) No.608 of 2013

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srg 15/12/2015



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