



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.57 of 2015
and
M.P.No.1 of 2015

M/s.Flyways,
represented by its Manager,
Air Cargo Shipping Clearing &
Forwarding Agents,
19, Perianna Maistry street,
Periamet,
Chennai-600 003.

... Appellant

vs

1.ALM Leather Exports,
rep. by its Partner A.Jakir Ahamed,
55/22, Perianna Maistry street,
Periamet,
Chennai-600 003.

2.Alitalia Cargo,
rep. by its Manager,
G-6, Karumuthu Centre,
634, Anna Salai,
Nandanam,
Chennai-600 035.

... Respondents

Appeal filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the order made in Application No.767 of 2014 in C.S.No.801 of 2013, dated 25.11.2014 Application praying this court to pass an order rejecting the plaint in C.S.No.801 /2013 as being barred by Law from the statement in the plaint and as the plaint is without caus of action.



For Appellant .. Mr.M.Sundar

J U D G M E N T

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(Judgment of the Court was delivered by The Hon'ble Chief Justice)

After some arguments, the learned counsel for the appellant seeks to withdraw the appeal and submits that he would urge before the learned single Judge, post framing of issues, the issue of limitation to be tried as preliminary issue. Endorsement has been made.

2. The appeal is dismissed as withdrawn. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

The Sub Assistant Registrar
Original Side
High Court, Madras

1 cc to Mr.K. Ashok Kumar, Sr. 11716

O.S.A.No.57 of 2015

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