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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2015

CORAM

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

O.S.A.No.64 of 2015
and
M.P.No.1 of 2015

City Bank NA,
A Banking Company,
having office at 163, Anna Salai,
Chennai-600 002.

... Appellant

Vs.

1.Kishin Chand
2.Anjan B.Manikonda

... 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.8518 of 2014 in C.S.No.347 of 2012, dated 30.01.2015.

A.No.8518 of 2014: Preferred against to frame an additional issue for adjudication to bring out whether the Defendant was instrumental in putting the law in force and not merely the one who merely set the law in motion as it is one of essential ingredients of malicious prosecution and pass further order.

C.S.NO.347 of 2012: against the Judgment and decree against the defendants for 78,00,000 (as per claim hereunder) being compensation for Maliciou prosecution of the plaintiff on the complaint made by the defendants.

For Appellant .. Mr.S.Namasivayam

J U D G M E N T

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

We are not inclined to entertain this appeal for more than one reason. Suffice to say that the grievance of the appellant was that the particular aspect raises a specific issue and on that the learned single Judge in session of the trial has opined that Issue Nos.2 and



3 are sufficient to cover that controversy. It is not as if the Court has opined that the Issues sought to be raised by the appellant do not arise from the pleadings. The appellant, can have really no grievance whatsoever.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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

+ 1 cc to Mr.S.Namasivayam, Advocate SR.14991

TEJ(CO)
EU 01.04.2015

O.S.A.No.64 of 2015