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In the High Court of Judicature at Madras

Dated: 05.01.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice M.M. SUNDRESH

Original Side Appeal No. 59 of 2013
and M.P. Nos. 1 and 2 of 2014

Mr. Rajan Expedit
Partner
Rajan Picture palace
43-b-7, Zackaria Street
Mela Kamarajapuram
Nagercoil 629 001.

.. Appellant

vs.

1. Indian Overseas Bank
rep. by its Senior Manager
Meenakshipuram Branch
Nagercoil, Agastheeswaram Taluk
Kanyakumari District.

2. Mr. Gopi Mohan

3. Mr. Vijayaraghavan
The Recovery Officer
Debts Recovery Tribunal
Chennai.

4. Mr. C. David

.. Respondents

Prayer: Original Side Appeal filed under Order XXXVI, Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent, to set aside the order and decree dated 28.11.2012 passed by the learned Single Judge, in Application No.4677 of 2012 in C.S.D. No.18967 of 2012 on the file of this Court which was preferred to grant leave to sue the Applicant/Plaintiff to institute this suit against Respondent 1 and 3/defendant 1 and 3 along with suit property before this hon'ble Court.



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For Appellant : Mr. M. Aravind Subramaniam
For Respondents : Mr. P.V. Sanjeev for R1
Mr. V. Vargees Amalraja for R4

J U D G M E N T

(Made by The Hon'ble The Chief Justice)

Learned counsel for the appellant seeks to withdraw the appeal and states that he will pursue the remedy before the Debts Recovery Tribunal in accordance with law and seek exclusion of the time period under Section 14 of the Limitation Act, having pursued diligently the remedy before this Court.

2.The appeal is dismissed as withdrawn in the aforesaid terms. No costs. Consequently, M.P. Nos.1 and 2 of 2014 are closed.

Sd/-
Asst.Registrar(CS III)
Dt.,09.0.2015

/True Copy/

Sub Asst.Registrar

ATR

To;
The Sub Asst.Registrar,
Original Side,High Court,Madras.

+1cc to Mr. P.J. Perumal,Advocate SR.NO.49
+1cc to Mr. M. Aravind Subramanian,Advocate SR.No.155
+1cc to Mr. P.V. Sanjeev,Advocate sr.No.52
TEJ(CO)
ka 09/01

O.S.A. No. 59 of 2013

05.01.2015