

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

C.M.A.No. 1830 of 2014  
in M.P.No. 1 of 2014

1.M.Sundaramoorthy  
2.S.Vinod Kumar

... Appellants/respondents  
/defendants

Vs.

Duraisamy

...Respondent/petitioner  
/plaintiff

PRAYER: Civil Miscellaneous Appeal is filed under Section 43 Rule 1 C.P.C to set aside the order dated 23.04.2014 made in I.A.No.18912 of 2013 in O.S.No.6948 of 2013 on the file of the II Additional City Civil Court, Chennai.

For Petitioners : M/s.Venkat Raman  
For Respondent : Mr.P.Jagadeesan

O R D E R

The above appeal has been filed against the order dated passed under Order 38 Rule 5 of C.P.C read with Section 136 of C.P.C, without complying with the settled procedures.

2.When the matter is taken up today for final disposal, both the counsels have come out with mutually agreeable settlement.

3.Pursuant to the mutual agreement, the appellants under took to file an affidavit of undertaking that they will not alienate the suit property till the disposal of the suit.In view of the mutual agreement, it is unnecessary to go into the merits of the case. The order passed by the Trial Court in I.A.No.18912 of 2013 dated 23.04.2014 is set aside and the matter is remitted back to the Trial Court. A further direction is issued to the Trial Court to dispose of the suit itself within a period of two months from the date of receipt of a copy of this order. Till such time, as per the affidavit of undertaking, the appellants/defendants shall not alienate the suit property.

4.In the result, this Civil Miscellaneous Appeal is disposed of with the above direction. No costs. Consequently connection miscellaneous petition is closed.

Xerox Copy of Affidavit filed by the 1<sup>st</sup> appellant dated 28/11/2017

Sd/-  
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

gsa

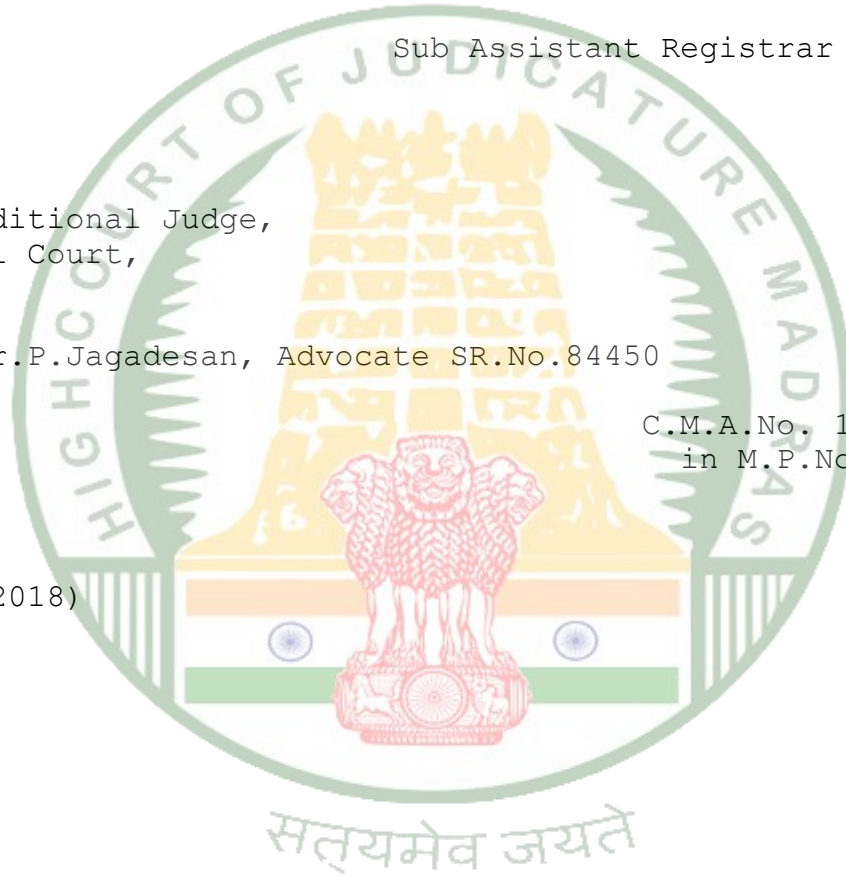
To

The II Additional Judge,  
City Civil Court,  
Chennai.

+1cc to Mr.P.Jagadesan, Advocate SR.No.84450

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VGII(CO)  
GN(08/01/2018)



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