

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.Nos.88 & 89 of 2014
and M.P.Nos.1 & 1 of 2014

Tamil Nadu Peasants & Workers Party,
The Registered Political Party by the
Election Commission of India,
Having Office at No.49, West Nerkundran Pathai,
Vadapalani, Chennai - 600 026.
Rep. by its General Secretary,
Mrs.P.Mahalakshmi

... Appellant in
both O.S.As'

vs.

1.Kongu Naadu Munnettra Peravai,
Rep. by its Secretary,
Mr.E.R.Easwaran,
No.46, Sampath Nagar,
Erode - 638 011.

2.Kongu Naadu Munnettra Kazhagam,
Rep. by its Secretary,
Mr.E.R.Easwaran,
No.46, Sampath Nagar,
Erode - 638 011.

3.The Chief Electoral Officer,
Fort St. George,
Chennai - 600 009.

... Respondents in
both O.S.As'

Appeals filed under Order XXXVI Rule 1 of O.S.Rules read with Clauses 15 of the Letters Patent against the order dated 12.03.2012 made in O.A.No.786 of 2011 and A.No.365 of 2012 in C.S.No.631 of 2011.

For Appellant : Mr.AE.Ravichandran
(In both O.S.As')

COMMON JUDGMENT

[Judgment of the Court was made by **RAJIV SHAKDHER, J.**]

1. It appears that service qua respondents/defendants is not complete. The respondents are the original defendants in the suit.

2. The counsel for the appellant/plaintiff says that, while, he has instruction to withdraw the appeal, his only concern is that the suit has not moved and it is still at the stage of completion of pleadings.

2.1. The counsel, thus, submits that directions be issued for expedition of the proceedings in the suit.

3. Accordingly, the appeal is dismissed as withdrawn, as prayed, by the counsel for the appellant/plaintiff.

4. The respondents/defendants are directed to file their written statement(s) within a period of three (3) weeks from the date of receipt of a certified copy of the order passed today.

5. Replication, if any, will be filed by the appellant/plaintiff within two (2) weeks from the date of receipt of a copies of written statements, that may be filed by respondents/defendants.

6. The matter will be placed before the learned single Judge on 12.10.2017. Parties and/or their counsels will exchange draft issues, at least two (2) days before the said date.

6.1.If counsel for the parties agree, the learned single Judge may direct the Master to record evidence in the matter and fix a time frame in that behalf.

7. Since, the appeals are dismissed as withdrawn, as indicated above, the connected pending applications shall stand closed. There shall, however, be no order as to costs.

RAJIV SHAKDHER, J.
and
ABDUL QUDDHOSE, J.

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8. Registry will dispatch a copy of this order to the respondents/defendants and their counsels, to the addresses available on record, via recorded delivery. In case, there is any grievance with regard to the order passed today, the respondents/defendants will have liberty to move the Court, albeit, in accordance with law.

(R.S.A., J.) (A.Q., J.)

11.08.2017

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Note: Issue order copy today.

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O.S.A.Nos.88 & 89 of 2014