

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

O.S.A.No.62 of 2017

Mrs.S.Pramila ... Appellant/Plaintiff
vs.

1.Mr.K.Bala Venkatesh
2.Mr.B.Vetrivelar Respondents/Defendants

Appeal filed under Order XXXVI Rule 1 of O.S.Rules read with
Clauses 15 of the Letters Patent against the order dated
07.03.2016 made in O.A.No.279 of 2015 in C.S.No.194 of 2015.

For Appellant : Mr.T.S.Baskaran
For Respondents : Ms.V.Chandrakanthan

JUDGMENT

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

1. After some arguments, Mr.T.S.Baskaran, learned counsel for the appellant says that he would otherwise want to withdraw the appeal, but his only apprehension is that the observations made by the learned single Judge in the impugned judgment and order dated 07.03.2016, on the merits of the case, would perhaps come in the way of the appellant.

2. Having considered the matter, we are of the view that the observations made cannot impact the trial or the merits of the case. We make it clear that any such observations made in the impugned judgment and order will not impact the merits of the case.

3. Accordingly, with the aforesaid observations, as prayed, the appeal is dismissed as withdrawn.

3.1.An endorsement to that effect has also been made on the paper book by the counsel for the appellant.

3.2. Furthermore, if appropriate application is moved by the appellant for expedition of the suit, we request the learned single Judge to deal with it and pass appropriate orders, given the fact that the parties have not even completed the pleadings in the matter though nearly two (2) years have elapsed since the institution of the suit. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm

To

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

+ 2 ccs to Mr. T.S. Baskaran, Advocate SR.57989

O.S.A.No.62 of 2017

KGK(CO)
Eu 7.09.17



WEB COPY