

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.951 of 2017 &

C.M.P.No.4722 of 2017

R.Maniram

... Petitioner

v.

S.K.Muthusamy

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 09.12.2016 passed in I.A.No.545 of 2016 in O.S.No. 395 of 2016 on the file of Principal Sub Court, Erode.

For Petitioner : Mr.S.Kaithamalai Kumaran

ORDER

Learned counsel appearing on behalf of the petitioner sought permission of this court to withdraw the Civil Revision Petition with liberty to challenge the fair and decreetal order passed in I.A.No.545 of 2016 in O.S.No. 395 of 2016 on the file of Principal Sub Court, Erode by

way of an appeal under Order 43, Rule 1(q) of CPC and to that effect he has also made an endorsement in the memorandum of grounds in the Civil Revision Petition.

2. In view of the submission made by the learned counsel for the petitioner, the above Civil Revision Petition is dismissed as withdrawn and liberty is given to the revision petitioner to challenge the order passed in I.A.No.545 of 2016 in O.S.No. 395 of 2016 by way of an appeal under Order 43, Rule 1(q) of CPC. In the case of the revision petitioner filing an application for condonation of delay, in filing the appeal under Order 43, Rule 1(q) of CPC, the Lower Appellate Court is directed to consider the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2017

Index : Yes/No

Note : Registry is directed to return the fair and decreetal order dated 09.12.2016 to the learned counsel for the petitioner.

Rj

To
The Principal Sub Court
Erode.

M. DURAISWAMY,J.,

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C.M.P.No.4722 of 2017

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