

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

A.S.No.859 of 2010
and M.P.No.1 of 2010

R.Rangaraj

... Appellant

...vs....

1. S.Sulochana
2. N.Palaniammal
3. V.Savithiri
4. Minor R.Adithya
5. Minor R.Mukilan
(Minors are represented by
their next friend/mother
Jothilakshmi)

... Respondents

Appeal Suit filed under Order 41 Rule 1 r/w Section 96 of the Civil Procedure Code against the judgment and decree dated 30.03.2010 passed in O.S.No.923 of 2008 on the file of the Additional District Judge Cum Fast Track Court - I, Coimbatore

For Appellant : Mr.N.Manokaran

For Respondents : Mr Mukund for
M/s Sarvabhauman Associates (R1)
Mr.R.Krishnaprasad (R2&3)
Mr.P.Valliappan (R4&5)

J U D G M E N T

The learned counsel for the appellant submitted that the sole appellant R.Rangaraj had died on 04.10.2012, leaving behind the respondents 4 and 5 and their guardian Jothilakshmi as surviving legal representatives. Further, the learned counsel submitted that the respondents 4 and 5 have attained majority and that they have also filed petitions in the connected Appeals in A.S.Nos.832 and 833 of 2010 to declare them as major and to discharge their guardian, which were also allowed by this Court.

Further, the learned counsel submitted that the legal representatives of the deceased appellant R.Rangaraj, had instructed him to withdraw the first appeal for the reason that the dispute between the parties was settled and that a joint memorandum of compromise dated 08.10.2017 was also filed in A.S.No.833 of 2010 today i.e., 31.10.2017. In these circumstances, the learned counsel sought the permission of this Court to withdraw the Appeal and has also made an endorsement to that effect.

2.In view of the same, the Appeal stands dismissed as withdrawn. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Judge
cum Fast Track Court - I, Coimbatore
2. The Section Officer,
VR Section,
High Court, Madras

+lcc to Mr.N.Manokaran, Advocate, S.R.No.77127
+lcc to Mr.P.Valliappan, Advocate, S.R.No.77226
+lcc to M/s Sarvabhauman Associates, Advocate, S.R.No.77020

सत्यमेव जयते

A.S.No.859 of 2010

CS/03/11/17

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