

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
And
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.S.A.No.94 of 2015

And

M.P.No.1 of 2015

N.Raghavulu Naidu

... Appellant

Vs.

1.Dr.G.Gopalaswamy

2.Dr.Geetha Haripriya @ Geetha Gopalaswamy

... Respondents

Prayer:

Appeal filed under Order XXXVI Rule 9 of OS Rules read with Clause 15 of the Letters Patent praying to set aside the order made in O.A.No.680 of 2013 in C.S.No.600 of 2013 pronounced on 18.07.2014.

For Appellant : Mr.Naveen Kumar

For Respondents : Mr.Avinash Wadhwant
for M/s.V.Raghavachari

J U D G M E N T

(Judgment of the Court was delivered by RAJIV SHAKDHER,J.)

1.After some arguments, the learned counsel appearing for the appellant seeks to withdraw the appeal.

1.1.The only apprehension that is expressed by the learned counsel appearing for the appellant, is that, there are certain observations made in the impugned judgment and order dated 18.07.2014, passed by the learned Single Judge, which may, come in the way of the final adjudication of the suit.

1.2.Furthermore, the learned counsel appearing for the appellant seeks expedition of the suit.

2.Mr.Avinash Wadhwant, who appears for the respondents, says, he has no objection, to directions being issued by this Court, to expedite the trial.

2.1.We are informed, that issues in the suit, have been framed.

3.Accordingly, the appeal is dismissed as withdrawn, as indicated by the learned counsel appearing for the appellant.

3.1.Pending the trial, the interim directions contained in the impugned judgment and order, shall continue to operate.

3.2.The learned counsel appearing for the respondents/ plaintiffs shall file their proof affidavit, within four weeks, from today.

3.3.The respondents/ plaintiffs will produce their witnesses for cross examination, before the learned Master on 15.11.2017.

3.4.Upon completion of the cross examination of the respondents/ plaintiffs's witnesses, the appellant/ defendant will file, proof affidavits of his witnesses, within two weeks thereof.

3.5.The learned Master, will fix date for cross examination of witnesses cited by the appellant/ defendant.

3.6.The recording of evidence, shall be completed, by the learned Master, on or before 31.01.2018.

3.7.Immediately upon the evidence been recorded, the matter will be placed by the learned Master, before the concerned Single Judge.

3.8.We make it clear that the observations made in the impugned judgment and order, will not impact the final adjudication of the suit.

4.The appeal is, accordingly dismissed as withdrawn. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition shall stand closed.

सत्यमेव जयते [R.S.A.,J.]

[N.S.K.,J.]

04.10.2017

pri/gg

Speaking order / Non Speaking order

Index: Yes / No

Internet: Yes / No

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RAJIV SHAKDHER,J.

AND

N.SATHISH KUMAR,J.

Pri/gg



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