



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD) Nos.1,2 and 3 of 2016

and

C.M.P(MD) No.26 of 2016

A.Sebastian

...Appellant/Petitioner in all CMAs/
Plaintiff

vs.

1.Mariyammal

2.Nesamani

3.Jothimani (Exonerated)

4.George

5.Moses

6.Jeyaraj

7.Mahesh

8.Baby

9.Samuvel (Exonerated)

10.Chandrasekar

11.Ravichandran

12.Manickam

13.Estharrani ...Respondents/Respondents 1 to 13 in all CMAs/
Defendants

14.The President,
Vilpatti panchayat, Vilpatti,
Kodaikanal Taluk,
Dindigul District

...14th Respondent in CMA(MD)No.2 of 2016

14.The Assistant Executive Engineer,
O & M, Tangedco (TNEB)
Kodaikanal Taluk,
Dindigul District.

15.The Assistant Engineer,
O & M, Tangedco (TNEB)
Kodaikanal,
Dindigul District.

...Respondents 14 & 15 in CMA(MD)NO.3 of 2016

Common Prayer: These Appeals are filed under Order 43 (1)(c) of Civil Procedure Code, to set aside the order passed by the Learned Principal District Judge, Dindigul, dated 26.08.2015 in I.A.No.150 of 2015 ,I.A.No.151 of 2015 & I.A.No.152 of 2015 respectively in O.S.No.43 of 2015.

For Appellant

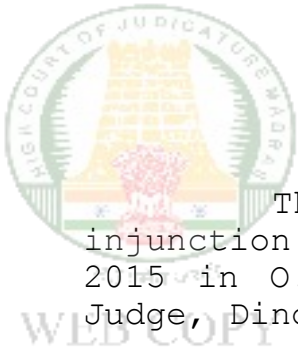
: Mr.N.Dilip Kumar

For R1,R2,R4 and R5

: Mr.Selva Kamatchi

for Mr.V.Raghavachari

: No Appearance

**JUDGMENT**

These three appeals arise out of three applications for injunction filed under Order 39 Rule 1 & 2 in I.A.Nos.150,151,152 of 2015 in O.S.No.43 of 2015 on the file of the Principal District Judge, Dindigul and the appeals are taken up for hearing.

2. The learned counsel for the respondents filed a memo stating that the suit in O.S.No.43 of 2015 itself has been dismissed on 17.03.2017 and these appeals do not survive.

3. The learned counsel for the appellant took time to verify the above fact. But today, he reported that he is unable to get instructions from his client. The memo filed by the learned counsel for the respondents is recorded and all these appeals are dismissed as infructuous.

4. It is open to the appellant to seek restoration of these appeals in the event of restoration of the suit.

5. Accordingly, this Civil Miscellaneous Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Dindigul.

+3cc to Mr.N.Dilip Kumar Advocate in SR. NO.61371 to 61373

+1cc to Mr.V.Raghavachari Advocate in SR. No.61246

DAS/SM

JS/MR/KKR/SAR.3/6.07.2017/2P-6C

C.M.A(MD) Nos.1,2 and 3 of 2016

and

C.M.P(MD) No.26 of 2016

19.06.2017