



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.1098 of 2016

and

C.M.P.(MD) No.9846 of 2016

1.R.Vimala

2.G.R.Prakash

... Appellants

vs.

1.S.Manivannan

2.K.Mahalingam

... Respondents

Prayer: Appeal filed under Section 104 Read with Order 43 Rule 1 of CPC, to set aside the fair and Decretal order dated 04.06.2015 made in I.A.No.(SR)316 of 2015 in IA.No. 173 of 2015 in O.S.No.99 of 2013 on file of the III Additional District Judge, Trichy.

For Appellants : Mr.Raguvaran Gopalan
for K.Prabhakar

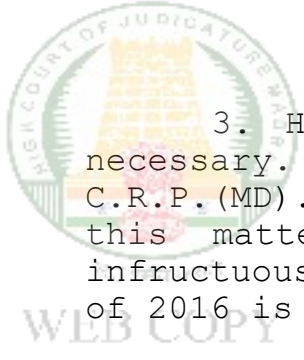
For R1 : Left India

For R2 : Mr.M.Gnanagurunathan

JUDGMENT

The defendant in the suit is the appellant in the Civil Miscellaneous Appeal. The defendant was originally set as *ex parte*. He filed I.A.No.(SR).316 of 2015 for setting aside the *ex parte* Decree. There was a delay in filing the said petition . Therefore to condone the delay I.A.No.173 of 2015 was filed. The said petition was initially allowed on payment of cost. That cost was not paid in time. Therefore, to restore the same I.A.No. 327 of 2015 is filed. It was dismissed.

2. Challenging the same C.R.P.(MD).No.2024 of 2016 was filed. This Court had allowed the Civil Revision Petition vide order dated 04.10.2016, on payment of cost of Rs.5,000/-. The cost has been remitted. The dependants have already come on record. The suit is presently being contested and it is now at the stage of trial. In the meanwhile, I.A.No.(SR).316 of 2016 was dismissed at the SR stage itself.



3. Hence, filing of this Civil Miscellaneous Appeal became necessary. In view of the subsequent development namely allowing of C.R.P.(MD).No.2024 of 2016, nothing survives for adjudication in this matter. This Civil Miscellaneous Appeal is closed as infructuous. No costs. Consequently, connected C.M.P.(MD) No.9846 of 2016 is also closed.

Sd/-

Assistant Registrar (AD I)

/True copy/

Sub Assistant Registrar

To

1.III Additional District Judge,
Trichy.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. **(2 COPIES)**

+1cc to Mr.M.GNANA GURUNATHAN, Advocate, SR.93399

C.M.A. (MD) No.1098 of 2016
15.12.2017

KMI

KK/SV MMS/SAR 4/13.02.2018/ 2P- 5C/