



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1143 of 2016

and

C.M.P. (MD) .No.10310 of 2016

Kadar Mera Rowther @ Karim

... Appellant

Vs.

1.Chinna Meera
2.Abdul Shamad
3.Abdul Salam
4.Mohammed Paathu
5.Sakar Banu
6.Amanullah
7.Mohammed Abdullah
8.Syed Meera
9.Jamal Mohammed

... Respondents

Prayer: Appeal filed under XLIII Rule 1(u) of Civil Procedure Code, to set aside the remand order in A.S.No.5 of 2014 on the file of the learned District Judge, Sivagangai on 31.03.2015.

For Appellant : Mr.V.A.Dhana Aravindha Balaji
For Dhana Law Associates
For Respondents : Mr.V.R.Venkatesan

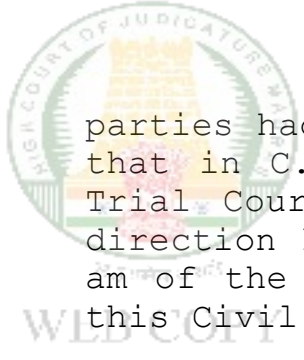
JUDGMENT

Heard the learned counsel on either side.

2.This is an appeal questioning the order of remand made by the first appellate court.

3.The learned counsel appearing for the appellant would submit that the order of remand ought not to have been made in this case.

4.The learned counsel appearing for the respondents pointed out that the order of remand was made as early as on 31.03.2015 and that even though the appeal was filed in the year 2016, no interim order was granted. The trial court is presently seized of the matter. Against some order passed by the trial Court, the



parties had filed a Civil Revision Petition. It is also submitted that in C.R.P.No.81 of 2017, a direction has been issued to the Trial Court to conclude the trial proceedings. When already a direction has been issued for concluding the trial proceedings, I am of the view that nothing survives for further adjudication in this Civil Miscellaneous Appeal.

5.This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Judge,
Sivagangai.

2. The Subordinate Judge,
Sivagangai.

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

+1CC TO M/S.Dhana Law Associates, Advocate, Sr No.93780

+1CC TO Mr.V.R.Venkatesan, Advocate, Sr No.93864

C.M.A. (MD) No.1143 of 2016
19.12.2017

tsg

MS/SV-MMS/SAR-4/05.06.2018/2P.7C