



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

M.P. (MD) .No.1 of 2015  
in  
Rev.Aplc. (MD) .No.SR40026 of 2014

Aathiappan

...Petitioner/Petitioner/  
Appellant

Vs.

1.Valliammal (died)

...Respondent/Respondent/  
Respondent

2.R.Selvaraj

3.S.Durairaj

4.S.Rajkumar

5.S.Dhanalakshmi

...Respondents 2to5/Respondents 2to5/  
Legal heirs of deceased sole  
respondent namely Valliammal

(Cause title accepted vide order of this Court  
dated 13.02.2015 made in M.P.(MD) .No.1 of 2014  
in Rev.Aplc. (MD) .No.SR.40026 of 2014)

**Prayer in M.P(MD)No.1 of 2015-** Civil Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 202 days in filing review against the judgment and decree dated 24.01.2014 passed in S.A.No.1065 of 1999 passed by this Court.

**Prayer in Rev.Aplc. (MD) .No.SR40026 of 2014-** This Review Petition filed under Order 47 Rule 1 and 2 of C.P.C. and Section 114 of C.P.C. against the judgment and decree dated 24.01.2014 in S.A.No.1065 of 1999 passed by this Court.

**Prayer in S.A.No.1065 of 1999:** Second Appeal filed Under Section 100 of the Code of Civil Procedure, preferred against the Judgment and Decree of the Court of the Subordinate Judge, Virudhunagar dated 15.04.1999 in A.S.No.370 of 1996, confirming the Judgment and Decree of the Court of the District Munsif, Aruppukottai dated 16.11.1996 in O.S.No.4 of 1996.

For petitioner : Mr.I.Suthakaran  
For R-1 : Died  
For R-2, R-3& R-5 : Mr.N.Dilip Kumar  
For R-5 : No Appearance (Tapal Returned)



**COMMON JUDGMENT**

M.P.(MD).No.1 of 2015 is filed to condone the delay of 202 days in filing review against the judgment and decree dated 24.01.2014 passed in S.A.No.1065 of 1999 passed by this Court.

2. Today, when the petition came up for hearing, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect. He has also circulated a letter to the Registry.

3. In view of the above, the petition in M.P.(MD.No.1 of 2015 stands dismissed as withdrawn. No costs. Consequently Rev.Aplc.(MD).No.SR40026 of 2014 is rejected, at the S.R stage itself.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TSG

To

1. The Subordinate Judge,  
Virudhunagar.

2. The District Munsif,  
Aruppukottai.

+1 CC to Mr.I.SUTHAKARAN, Advocate ( SR-9406[I] dated 08/03/2021 )

**JUDGMENT MADE IN  
M.P. (MD) .No.1 of 2015 in  
Rev.Aplc. (MD) .No.SR40026 of 2014  
05.03.2021**

DKS (CO)  
SRS (15/03/2021) 2P : 4C