



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.04.2017

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

S.A. (MD) .No.173 of 2017

WEB COPY

Gilbert.

...Appellant/Appellant
/Plaintiff

Vs.

1.Esakkimuthu

2.Udayamani

...Respondents/Respondents/
Defendants

Prayer: This Second Appeal has been filed under Section 100 of the Code of the Civil Procedure against the Judgment and Decree dated 25.04.2014 made in A.S.No.56 of 2012 on the file of Sub Court, Ambasamutram and confirming the judgement and decree dated 28.02.2012 made in O.S.No.125 of 2008 on the file of District Munsif cum Judicial Magistrate Court, Cheranmahadevi.

For Appellant

: Mr.P.Subbaraj

JUDGMENT

The learned counsel appearing for the appellant submitted that this appeal is preferred against the decree dismissing the suit for injunction filed by the plaintiff / appellant, whereas the respondents / defendants had earlier obtained an ex parte decree seeking for declaration of title to the suit property. He sought permission to withdraw the appeal with liberty to file an appropriate petition and contest the ex parte decree already filed and he has also made an endorsement to that effect. Permission is granted.

2. Recording the same, the Second Appeal is dismissed as withdrawn with liberty. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge, Ambasamudram

2.The District Munsif cum Judicial Magistrate, Cheranmahadevi

+One cc to Mr.P.Subbaraj, Advocate, SR.No.51574