



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.06.2017

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

S.A.(MD).No.210 of 2017
and
C.M.P.(MD).No.4186 of 2017

1.B.Ramasamy
2.Baby

...Appellants/Respondents/Defendants

Vs.

Thanu Iyer(Retd Teacher) ...Respondent/Appellant/Plaintiff

Prayer: This Second Appeal has been filed under Section 100 of the Code of the Civil Procedure, against the Judgment and Decree dated 29.06.2011 passed in A.S.No.6 of 2011 on the file of the 2nd Additional Sub-Court, Nagercoil, partly allowing the judgment and decree dated 23.04.2010 passed in O.S.No.980 of 2004 on the file of the 2nd Additional District Munsif Court, Nagercoil.

For Appellants : Mr.D.Nallathambi

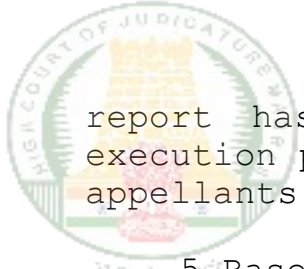
JUDGMENT

This appeal has been filed against the Judgment and Decree dated 29.06.2011 passed in A.S.No.6 of 2011 on the file of the 2nd Additional Sub-Court, Nagercoil, partly allowing the judgment and decree dated 23.04.2010 passed in O.S.No.980 of 2004 on the file of the 2nd Additional District Munsif Court, Nagercoil.

2.Heard Mr.D.Nallathambi, learned counsel appearing for the appellants.

3.The learned counsel for the appellants submitted that in the last occasion that this appeal was filed against the decree for mandatory injunction granted by the II Additional Sub-Court, Nagercoil, by judgment dated 29.06.2011 in A.S.No.6 of 2011. He further submitted that no execution petition appears to have been filed and filing an execution petition now is barred by limitation.

4.To clarify the above, this Court directed the Registry on 05.06.2017 to obtain a report from the II Additional District Munsif Court, Nagercoil, as to if any E.P was filed against O.S.No.980 of 2004, from which, the present appeal arises. The



report has been received on 12.06.2017, which shows that no execution petition has been filed yet. The learned counsel for the appellants has also been informed the same.

5. Based on the report, the learned counsel seeks permission of this Court to withdraw this appeal and he has also made an endorsement to that effect. Hence, this appeal is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The II Additional Sub Judge,
Nagercoil.
2. The II Additional District Munsif,
Nagercoil.

+2ccs to Mr.D.Nallathambi, Advocate in SR.No.60019, 59962

Ns

AE/MR/SAR2/03.07.2017/2P/5C

S.A. (MD) .No.210 of 2017
and
C.M.P. (MD) .No.4186 of 2017
12.06.2017