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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2017

C O R A M

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.304 Of 2011

and

M.P.(MD).No.3 of 2011

R.Subbarayalu

.. Appellant

Vs.

1.B.Madhan Mohan

2.Repo Bank

Chennai Alwarpet Corporate

Represented through its Branch Manager,

No.18, C P Ramasamy Road,

Alwarpet, Chennai-600 018.

3.V.Baskaran

.. Respondents

PRAYER : Civil Miscellaneous Appeal has been filed under Section 43 Rule 1 (r) read with Section 104 Civil Procedure Code, against the order and decree in I.A.No366 of 2009 in O.S.No.145 of 2009 on the file of Principal District Court, Virudhunagar at Srivilliputtur dated 09.11.2009, insofar it is against the appellant is concerned.

For Appellant	: Mr.A.Sivaji
For Respondent No.1	: Mr.K.Govindarajan
For Respondent No.2	: Mr.M.Murugesan
For Respondent No.3	: No Appearance

JUDGMENT

The learned counsel for the first respondent states that O.S.No.145 of 2009, on the file of the Principal District Court, Virudhunagar at Srivilliputtur, dated 09.11.2009, has already been dismissed for default. The learned counsel for the appellant in C.M.A.(MD).No.304 Of 2011, states that the application for restoring the said suit has been filed and it is pending as on date.

2.In view of the above, nothing survives for adjudication in this appeal and the same is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

The Principal District Court, Virudhunagar
Srivilliputtur.

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+1cc to M/S.K.Govindarajan, Advocate SR.No. 81516

+1cc to M/S.A.Sivaji, Advocate SR.No. 81575

Judgment made in
C.M.A.No.304 Of 2011
Dated
03.10.2017

TSG

JM/JC/SAR 2/20.10.2017/2P/4C