

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.12.2018

Coram

The Honourable Ms. Justice P.T.ASHA

A.S.No.717 of 2003

1. A. Shanmugam, (Deceased)

2. S. Kalavathi

3. S. Suresh

4. Mala Dhanesekaran

...Appellants/Plaintiff

(Appellants 2 to 4 and RR3 and 4 brought on record as legal representatives of deceased sole appellant vide order of Court dated.03.12.2013 made in CMP.Nos.531 to 534 of 2012)

Versus

1. C.K.Gajapathy

2. Joseph Anand

3. Dr. Aruna Mohan

4. Dr. Rama Narayanan

...Respondents/Defendants

This Appeal is filed under Section 96 of the Code of Civil Procedure, 1908, against the Judgment and Decree dated 17.02.2003 passed by the learned Principal Subordinate Judge, Chengalpattu, in O.S.No.131 of 1996.

For Appellants : Mr.S.Natana Raja
For Respondents : No appearance for R1
Mr. K. Bijai Sundar for R2
Dismissed vide Court Order
dated 24.04.2018 for R3 and R4

J U D G M E N T

This Appeal is filed under Section 96 of Civil Procedure Code, against the Judgment and Decree Dt.17.02.2003 passed by

the learned Principal Subordinate Judge, Chengalpattu in O.S.No.131 of 1996.

2. Today(04.12.2018) when the matter was called, the learned counsel appearing for the appellants submitted a Memo dated 04.12.2018 seeking to withdraw the Appeal Suit in view of the letter dated 13.11.2018 which has been addressed to him by his clients.

3. Mr. K. Bijai Sundar, the learned counsel appeared on behalf of second respondent.

4. The letter dated 13.11.2018 made by the appellants to their learned counsel for withdrawing the Appeal Suit does not reflect well on our justice dispensation system as the only reason which the appellants had given in the letter requesting the withdrawal of the appeal is that they do not want to proceed with the appeal as the entire proceedings has prolonged for over 18 years without they seeing any kind of settlement.

5. It is clear that this court, except for placing on record the anguish of the appellants about the delay in the disposal of the cases, has no other alternate except to accept the Memo filed by the appellants and permit the learned counsel for appellant to withdraw the First Appeal. Accordingly the First Appeal stands dismissed as withdrawn. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The learned Principal Subordinate Judge,
Chengalpattu.

2.The Section Officer,
VR Section, High Court, सत्यमेव जयते
Madras.(2Copies)

+1cc to Mr.K.Bijai Sundar, Advocate, S.R.No.83695

+1cc to Mr.S.Natana Raja, Advocate, S.R.No.83596

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RJI (CO)

GSP(07/01/2019)