

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-02-2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.195 of 2018
and
C.M.P.No.2328 of 2018

Kamaraj

... Appellant

Vs

R.Chinnaswamy

... Respondent

PRAYER : Civil Miscellaneous Appeal filed against the fair and decreetal order dated 28.11.2017 made in I.A.No.562 of 2017 in C.M.A.No.24 of 2016 on the file of the learned First Additional District Court, Erode.

For Appellant : Mr.N.S.Suganthan

J U D G M E N T

The matter was argued at length in the previous hearing by the learned counsel appearing for the appellant and this Court pointed out that the appellant had deliberately remained exparte, which leading to passing of an exparte decree by the trial Court. Thereafter, the appeal was filed. Even in the appeal, the appellant did not prosecute the case, compelling the Court to dismiss the appeal. To restore the appeal also there was a delay and application to condone the delay was filed and the appellate Court taking into consideration the various dates given to the appellant for arguing the matter, which the appellant failed to make use of it, dismissed the condone delay petition. Against the said order only, the present Appeal has been filed.

2.This Court narrated the incidents, which happened both before the trial Court as well as before the Appellate Court and expressed its intention to dismiss the appeal. At this stage, the learned counsel took time to get instruction from his party.

3.Thereafter, the matter is called today. The learned counsel appearing for the appellant seeks permission to withdraw the appeal. Therefore, based on the representation and

endorsement made in this regard, in the Court bundle, this Appeal is dismissed as withdrawn. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

sai

To

The I Additional District Judge,
Erode.

+1cc to Mr.N.Manokaran, Advocate sr.no.12940

C.M.A.No.195 of 2018

rj(co)
nr 21/03/2018



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