

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.266 of 2018
and
C.M.P.No.12444 of 2018

M/s.Ponmalligai Hospital
rep. by its Director Usha Maruthu ... Appellant

Vs

Dr.T.G.Palanivelu ... Respondent

Appeal preferred under Order XXXVI Rule 9 of O.S. Rules r/w
Clause 15 of Letters Patent against the fair and decretal order
dated 09.04.2018 in A.No.2193 of 2018 in C.S.No.573 of 2016.

For Appellant .. Mr.K.Azhagu Raman

For Respondent .. Mr.T.G.Balachandran

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is directed against the order dated 09.04.2018
in A.No.2193 of 2018 in C.S.No.573 of 2016.

2.Heard the learned counsel appearing for the appellant and
the learned counsel appearing for the respondent.

3.After making submissions, learned counsel appearing for
the appellant would submit that the leave to defend application
has to be disposed of on its own merits, which is pending before
the Master. There is no difficulty in acceding to the above said
request. Accordingly, while dismissing the appeal, we hereby
clarify that the leave to defend application has to be decided
on its own merits. This observation is made only for the reason
that the dismissal of the application which is impugned in this
appeal was also predicated on the ground of protracting the

proceedings. Therefore, while deciding the leave to defend application, the learned Master shall not dismiss it on this ground.

4.With the above observation, the original side appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

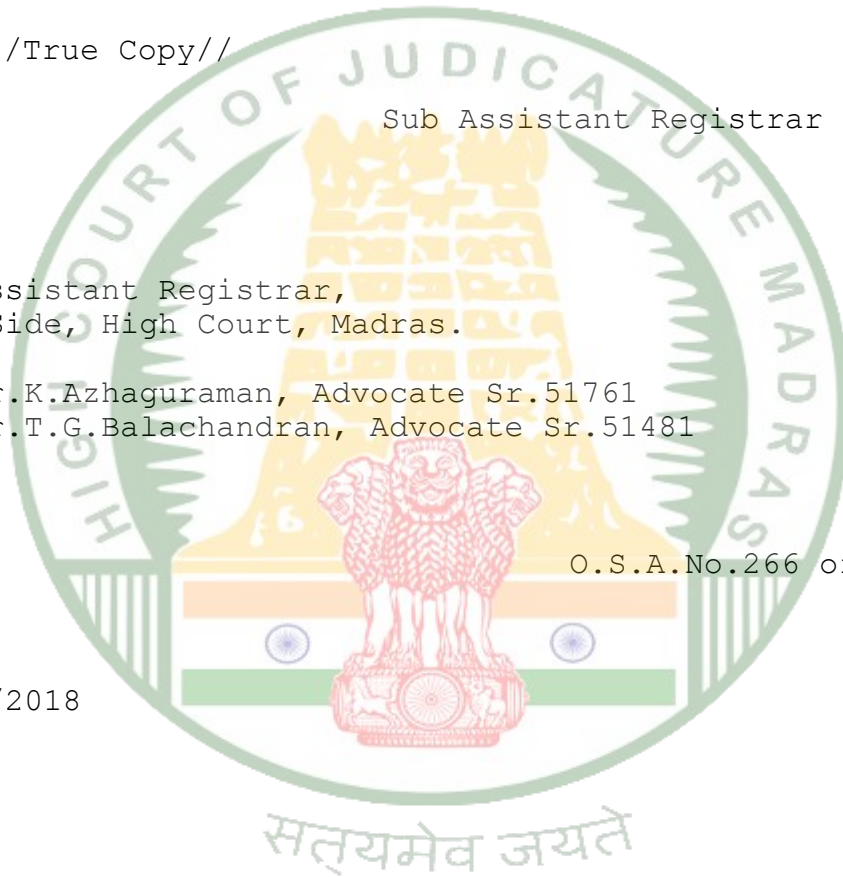
The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.K.Azhaguraman, Advocate Sr.51761

+1cc to Mr.T.G.Balachandran, Advocate Sr.51481

O.S.A.No.266 of 2018

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