



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.6043 of 2017

IN

AS No.411 of 2002

R. CHELLAMMAL

... PETITIONER/3RD PARTY

Vs

1 V. MADHAVAN

...1ST RESPONDENT/APPELLANT

2 V. VARADHA KRISHNA IYERGAR

...2ND RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to implead the petitioner as 2nd defendant in the suit in O.S.NO. 135/92 on the file of the Principal Sub-Court, Tirunelveli and pass suitable decree confirming my share also.

PRAYER IN AS.NO.411 OF 2002 :

Appeal Suit is filed Under Order 41 Rule 1 & 2 and Section 96 of CPC., praying to allow the first appeal setting aside the decree and judgment passed in O.S.No.135/1992 on the file of the Principal Subordinate Judge, Thirunelveli dated 24.08.2001.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SATHEESH KUMAR, Advocate for the petitioner and of MR.H.ARUMUGAM Advocate for the Respondent No.1 and MR.C.RAMESH, Advocate for the Respondent No.2 the court made the following order:-

This Miscellaneous petition has been taken out with a prayer to implead R.Chellammal, wife of Late Ramamoorthy, as respondent No.2 in the main first appeal.

2.As the aforesaid R.Chellammal, had already been brought on record, as respondent No.2 at the instance of appellant, this petition has become infructuous. Learned Counsel for petitioner has made an endorsement in the Court file, which reads as follows:

'The Counsel for the petitioner may be permitted to withdraw, since the petitioner has already been impleaded.'

3.Learned Counsel for the petitioner has submitted that the prayer has become infructuous.



4. In the light of the aforesaid submission and endorsement made in the Court file, this Civil Miscellaneous Petition is dismissed as infructuous.

sd/-
25/06/2018

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRINCIPAL SUBORDINATE JUDGE, THIRUNELVELI

GJM/CM/VR/RNB/2.7.18-2P-2C

ORDER
IN
CMP (MD) No.6043 of 2017
IN
AS No.411 of 2002
Date :25/06/2018