

HONOURABLE SRI JUSTICE D.V.S.S. SOMAYAJULU

APPEAL SUIT NO. 1 2 7 7 OF 2018

ORDER :

This Appeal Suit is filed by the appellants/plaintiffs under section 96 read with Order-41 Rule 1 of C.P.C., challenging the judgment and decree dated 19/4/2018 passed in O.S.No. 200 of 2011 by the Principal Senior Civil Judge, Eluru, West Godavari district, dismissing the suit filed under section 26 of C.P.C., Order-VII, Rule-1 of C.P.C., seeking to pass a preliminary decree in favour of the plaintiffs for partition of Ac:2-50 cents into three equal shares by metes and bounds after carving out the same out of the plaint schedule property of Ac:6-31 cents and put the plaintiffs in separate possession of 2/3rd shares and for mesne profits on their shares from the date of suit till passing of final decree and for costs of the suit.

2. Sri M.V.Venu, learned counsel appearing for the appellants seeks permission of this Court to withdraw the aforesaid appeal and sought liberty to present the same in the proper court. Learned counsel also made an endorsement on the case bundle to this effect.

3. Permission is accorded.

4. Recording the above submission, A.S.No. 1277 of 2018 is dismissed as withdrawn with liberty to the appellant to file the same in the proper court. There shall be no order as to costs.

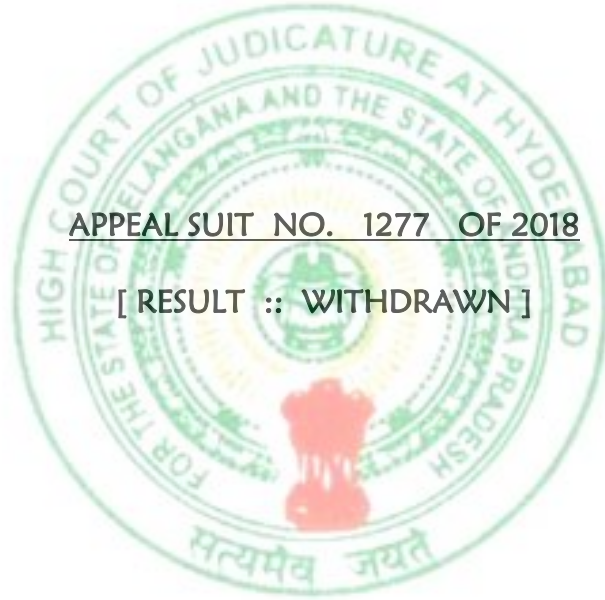
5. Registry is directed to cause return of the original record filed in this appeal to the counsel for the appellant. The counsel for the appellant is permitted to take back the original record and file it in the proper court.

6. As a sequel, miscellaneous petitions if any, pending in this Appeal suit shall stand dismissed.

JUSTICE D.V.S. S. SOMAYAJULU



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[RESULT :: WITHDRAWN]

Circulation No.
Date : 04/10/2018
Court Master :