

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.1213 OF 2011

AND

M.P.NO.1 OF 2011

Arulmigu Sri Peria Om Kaliyamman Temple,
Tiruchengode,
Represented by its Trustee,
A.Sethupathy Ramalingam.

... Appellant

vs

1.Pappammal
2.Pappathi
3.Gomathy
4.Mohan
5.Venkatesan
6.Lakshmi

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Order 43 Rule 1(U) of CPC, to call for the records relating to the proceedings in A.S.No.132 of 2008 on the file of the Sub Court, Tiruchengode and set aside the judgment and decree passed on 29.01.2010 and confirm the judgment and decree passed in O.S.No.261 of 1998 dated 29.07.2007 by the learned District Munsif, Tiruchengode.

For Appellant : Mr.M.Devaraj

For R3 : Mr.N.Manokaran

For R1, R2, R4 to R6 : No appearance

J U D G M E N T

The present Civil Miscellaneous Appeal has been filed against the impugned judgment and decree dated 29.01.2010 passed by the Sub Court, Tiruchengode in A.S.No.132 of 2008.

2.By the impugned judgment and decree, the Sub Court namely the I Appellate Court, Tiruchengode had remanded the case back to the District Munsif Court to decide the case afresh in O.S.No.261 of 1998.

3.The learned counsel for the 3rd respondent submits that the present Civil Miscellaneous Appeal has become infructuous as O.S.No.261 of 1998 has been disposed on 31.10.2019 pursuant to the impugned Judgment and Decree dated 29.01.2010 in A.S.No.132 of 2008. Therefore, the appellant has now an alternate remedy as on date against the Judgment and Decree dated 31.10.2019 in O.S.No.261 of 1998. He has also filed a copy of the said Judgment.

4.In view of the above, the present Civil Miscellaneous Appeal is dismissed. No cost. Consequently, connected Miscellaneous is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Court,
Tiruchengode.
2. District Munsif Court,
Tiruchengode.
3. The Section Officer,
Vernacular Section,
Madras High Court.

C.M.A.No.1213 of 2011
and M.P.No.1 of 2011

RR(CO)
CS/02/03/2020