

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.02.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2438 OF 2013

P.Janarthanan

... Petitioner

Vs.

1.A.Dhanabagyam
2.A.Sivakumar
3.A.Veeraraghavan
4.A.Radhakrishnan
5.J.Mahalakshmi
6.A.Palaniammal
7.M.Sivagami
8.D.Mahesh Kumar
9.Bhopandera Kumar
10.Jettin Seth
11.K.Sumathi
12.S.Seethalakshmi
13.A.Saravanakumar
14.Balan
15.Srinivasan
16.Sudhakar
17.Arumugham
18.R.Duraisamy

.... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of Civil Procedure Code praying to set aside the fair and decretal orders dated 14.12.2011 in E.A.No. 61 of 2008 in E.P.No.40 of 2007 in O.S.No.323 of 2005 on the file of Principal District Judge Court, Coimbatore and allow the Civil Miscellaneous Appeal.

For petitioner : Mr.C.R.Prasanan
For Respondents 1,3,4,6 : No Appearance
For Respondents 9 & 10 : Mr.J.Antony Jesus
For Respondents 11 & 13 : Mr.P.M.Duraisamy

J U D G M E N T

This Civil Miscellaneous Appeal is filed by the appellant seeking to set aside the fair and decretal orders dated 14.12.2011 in E.A.No.61 of 2008 in E.P.No.40 of 2007 in O.S.No.323 of 2005 on the file of Principal District Judge Court, Coimbatore and allow the Civil Miscellaneous Appeal.

2. When the matter is called today, learned counsel appearing for the appellant seeks permission to withdraw this appeal and makes an endorsement to this effect. The affidavit filed by the learned counsel for the applicant reads as follows:

"AFFIDAVIT OF P.JANARTHANAN

I, P.Janarthanan, S/o. Purushothaman, Hindu, aged about 41 years, residing at Door No.5/79, Ammapettai Post S.Vallakonda Puram, Udumalpet (Taluk), Coimbatore-638204, do hereby solemnly affirm and sincerely state as follows:

1. I am the appellant in the above Civil Miscellaneous Appeal. I am well acquainted with what is stated hereunder.

2.Pursuant to a decree granted in O.S.No.323 of 2005 on the file of the Principal District Judge's Court, Coimbatore for specific performance on 06.09.2005 and a registered sale deed was executed by the Court in execution of the decree. I filed an execution petition in E.P.No.40 of 2007 for delivery of possession, as the respondents 1 to 18 have obstructed our delivery for possession. I filed an application in E.A.No.61 of 2008 for removal of obstruction. The respondents 1 to 8, and the respondents 11 to 18 remained ex-parte, the respondents 9 and 10 contested the application. The Court below dismissed my application against the same. I preferred the above Civil Miscellaneous Appeal before this Hon'ble Court.

3.This Hon'ble Court was pleased to order notice of motion on 23.07.2013. Now the matter is settled out of Court between myself and the respondents herein. As per the settlement, I have decided to withdraw the above Civil Miscellaneous Appeal. Hence I am filing the present affidavit duly signed by me and attested by a lawyer at Coimbatore.

It is therefore prayed that this Hon'ble Court

may be pleased to record this affidavit and dismiss the above Civil Miscellaneous Appeal as withdrawn and thus render justice."

The above affidavit dated 26.02.2019, is taken on record and accordingly, this Civil Miscellaneous Appeal is dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Principal District Judge Court, Coimbatore.

Copy to:

The Section officer,
VR Section,
High Court, Madras.

+3cc to Mr.C.R.Prasanan, Advocate sr.no.17324, 17904
+1cc to Mr.J.Antony Jesus, Advocate sr.no.18315

C.M.A.No.2438 OF 2013

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