

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal No.1810 of 2004 and
Cross Objection No.83 of 2010

1.Sankar
2.Elumalai

.. Appellants in S.A.No.1810 of 2004/
Plaintiffs/1&2 Respondents in
Cross Objection

Vs.

1.Damodaran

.. 1st Respondent/1st Defendant/
Cross Objector

2.Murugesu Kounder
3.Valliammal

.. 2nd and 3rd Respondents in
S.A.No.1810 of 2004/2&3 Defendant/
3&4 Respondents in Cross Objections

Prayer in S.A.NO.1810 of 2004: This Second Appeal has been filed under Section 100 of C.P.C., against the judgment and decree dated 21.01.2004 in A.S.No.11 of 2003 on the file of the learned Subordinate Judge, Madurantakam which has reversed the well considered judgment and decree dated 31.12.2002 in O.S.No.412 of 1994 on the file of the learned District Munsif, Madurantakam.

Prayer in Cross Objection No.83 of 2010: This Cross Objection is filed under Order 41, Rule 22 C.P.C., in Second Appeal No.1810 of 2004 on the file of this Court against the judgment and decree dated 21.01.2004 in A.S.No.11 of 2003 on the file of the learned Subordinate Judge, Madurantakam which has been filed against the decree dated 31.12.2002 in O.S.No.412 of 1994 on the file of the learned District Munsif, Madurantakam.

In S.A.No.1810 of 2004:-

For appellant : No Appearance
For R.1 : Mr.M.S.Subramanian
For RR 2 & 3 : No Appearance

In Cross Objection No.83 of 2010:-

For Cross Objector : Mr.M.S.Subramanian

For Respondents : No Appearance

C O M M O N J U D G M E N T

There is no representation for the appellants in Second Appeal No.1810 of 2004. On perusal of the case records, this Court finds that the learned counsel for the appellants in S.A.NO.1810 of 2004 has given a letter to the Registry on 21.06.2010 to list the matter for withdrawal reporting the matter has been settled between the parties out of Court.

2.Today, the learned counsel appearing for the first respondent in S.A.No.1810 of 2004 reports no instruction from the first respondent. The said statement is recorded.

3.In view of the above, the Second Appeal No.1810 of 2004 is dismissed as withdrawn. No costs. Cross Objection 83 of 2010 is also dismissed as the learned counsel for the Cross Objector reports no instruction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrarjbm

To

1.The Subordinate Judge, Madurantakam.

2.The District Munsif, Madurantakam.

Copy To: The Section Officer,

V.R.Section, High Court, Madras. (2 Copies)

+1 cc to Mr.M.S.Subramanian, Advocate in Sr.No.7742

Second Appeal No.1810 of 2004 and
Cross Objection No.83 of 2010

CA (CO)
CSL/20.02.2019