

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A. No. 693 of 2011

and

M.P. No. 1 of 2011

L. Vairahvel

... Appellant

Vs

P. Sasipriya

.... Respondent

Prayer: Civil Miscellaneous Appeal has been filed under Order 43 Rule 1 (u) of the Code of Civil Procedure, 1908, against the Judgment and decree dated 16.12.2010 made in C.M.A. No. 25 of 2009 on the file of the Additional District Judge and Fast Track Court No.1, Erode setting aside the Judgment and decree dated 27.01.2009 made in H.M.O.P. No. 96 of 2006 on the file of the Principal Subordinate Judge, Erode.

For Appellant : Mr. A.K.Sriram
for M/s. A.S.Kailasam and Associates

For Respondent : Mr. N. Manokaran

JUDGMENT

Both the learned counsel fairly submit that the Appellate Court itself can record the evidence and decide the case in terms of Order 41 Rule 27 r/w Section 107 of C.P.C.

2. Recording the same, the Judgment of the below Appellate Court, is set aside and the case is remitted back to the Appellate Court to complete the trial and pass final Judgment and decree within a period of six months from the date of communication of this order.

3. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(DR-CJ conf)

//True Copy//

Sub Assistant Registrar

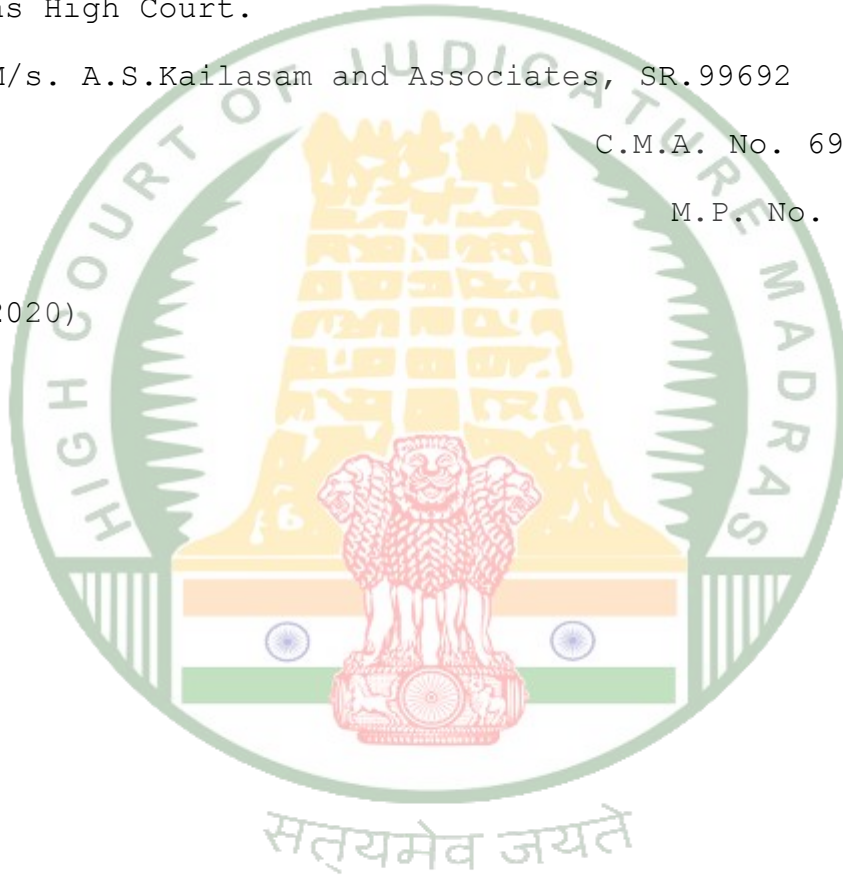
To

1. The Additional District Judge and
Fast Track Court No.1,
Erode.
2. The Principal Subordinate Judge,
Erode.
3. The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to M/s. A.S.Kailasam and Associates, SR.99692

C.M.A. No. 693 of 2011
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SSV(CO)
CB(27/01/2020)



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