



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.12.2020

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

C.M.A(MD) No.1364 of 2010

and

MP(MD)No.1 of 2010

Periyasamy

.. Appellant/Respondent/
Defendant

vs.

1.Mariammal

2.Anthony Raj

3.Arockia Mary

4.Selvarani

5.Velankanni

6.Sulochana

... Respondents /Appellants/
Plaintiffs

Prayer: Civil Miscellaneous Appeal filed under Order 43, Rule 1 of Civil Procedure Code, against the judgment and decree dated 31.03.2010, made in A.S.No.9 of 2009 on the file of Sub-Court, Uthamapalayam, reversing the judgment and decree dated 15.11.2008, made in O.S.No.632 of 2004 on the file of District Munsif Court, Uthamapalayam and remanding the suit to the said Court.

For Appellant : Mr.V.George Raja
for M/s.Ajmal Associates

For R1 to R6 : Mr.K.Murali Sankar

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the judgment and decree dated 31.03.2010, made in A.S.No.9 of 2009 on the file of Sub-Court, Uthamapalayam, reversing the judgment and decree dated 15.11.2008, made in O.S.No.632 of 2004 on the file of District Munsif Court, Uthamapalayam and remanding the suit to the said Court.



2.The learned counsel appearing for the appellant would submit that the suit itself has been dismissed for default by the Trial Court and nothing survives in this appeal.

3.Recording the said submission made by the learned counsel for the appellant, this Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Sub Judge,
Uthamapalayam.
2. The District Munsif,
Uthamapalayam.
- 3.The Record Keeper-2 copies
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

**JUDGMENT MADE IN
C.M.A(MD) No.1364 of 2010
and
MP (MD) No.1 of 2010
23.12.2020**

KM (11.02.2021) 2P 5C