



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 08.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.197 of 2018

WEB COPY

1.Francis Sitthar
2.Jeyakumar Gnanam

... Appellants / Plaintiffs

Vs.

Nil

... Respondent / Defendant

PRAYER: This Appeal Suit is filed under Section 96 r/w Order 41, Rule 1 and 2 of Civil Procedure Code, to set aside the judgment and decree dated 23.07.2018 passed in O.S.No.178 of 2017 on the file of the learned Principal District Judge, Tirunelveli.

For Appellants : Mr.H.Arumugam

JUDGMENT

The learned counsel appearing for the appellants submitted that the trial Court has non-suited the plaintiffs on the ground that the account of the original trustee has not been maintained properly. It is his contention that all the accounts are properly maintained and original deeds also available and they are ready to produce before the Court. He prays to withdraw the appeal and seeks liberty to file a fresh petition to prove the bonafideness of the trustees in dealing with the property.

2.Accordingly, liberty is granted. The Appeal Suit is dismissed as withdrawn with liberty to file a fresh petition with relevant documents to establish the rights before the Court below. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

To

1.The Principal District Judge,

Tirunelveli,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Section Officer, (2 COPIES)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to MR.H.ARUMUGAM, Advocate (SR-1096[F] dated 09/01/2020)

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