

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1218 of 2010
and M.P.No.1 of 2010

Hotel Baboo Surya Private Limited,
Originally Baboo Hotel Private Limited,
Rep. by its Managing Director,
No.85A, East Raja Street,
Big Kanchipuram.

.. Appellant/Respondent/Plaintiff

Vs.

1.Krishnaveniammal
2.Sampath
3.Nandhakumar
4.Kalavathi
5.Nagarajan
6.Bharathi
7.Savithiri

..Respondents 1 to 7 &9/Appellants/
Defendants 1 to 3,5 to 7 & 9

8.Senthilkumar
9.Sasikumar
10.Unnamalai
11.Gopal

.. Respondents 8 to 11/Respondents/
Defendants 8,10,4 & 11

PRAYER : Civil Miscellaneous Appeal is filed under Order 43 Rule 1(u) read with Section 104 of C.P.C., against the judgment and decree order dated 18.12.2009, made in A.S.No.14 of 2009, on the file of the Subordinate Judge, Kanchipuram remand the decree and judgment dated 29.11.2008, made in O.S.No.817 of 1998, on the file of the Principal District Munsif Court, Kanchipuram.

For Appellant : Mr.A.Jenasenan

For Respondents : M/s.A.Sumathy

J U D G M E N T

When the matter is taken up for hearing, the learned counsel for the appellant submits that he has got instructions from his client to withdraw the appeal.

2. Though the learned counsel for the appellant made an endorsement to withdraw the appeal, learned counsel for the respondents opposed the same and submitted that the suit is pending before the trial Court.

3. On a perusal of the lower Court records, it is seen that the suit is pending from the year 1998. As per the First Appellate Court order in A.S.No.14 of 2009, the case was remanded to the trial Court for fresh disposal.

4. Considering the long pendency of the case as well as the pendency of the Civil Miscellaneous Appeal, in the interest of justice, the trial Court is directed to dispose the case in O.S.No.817 of 1998, on merits after giving opportunity to both parties. Both parties are directed to adduce their evidence. The trial Judge is also directed to record the evidence within a period of three months from the date of receipt of a copy of this judgment.

5. With the above direction, this Civil Miscellaneous Appeal is disposed of. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

ub
To

- 1)The Subordinate Judge, Kanchipuram.
- 2)The Principal District Munsif, Kanchipuram.
- 3)The Section Officer, V.R.Section,High Court, Madras.

C.M.A.No.1218 of 2010
01.03.2021

GMI (CO)
RG.27.04.2021 (2P/4C)