

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1304 of 2012
and M.P.No.1 of 2012

1.P.P.Kaliappan
2.P.Munusamy

.. Appellants

Vs.

1.A.M.Natarajan
2.Hema

.. Respondents

PRAYER : Civil Miscellaneous Appeal is filed under Order 43 Rule 1(U) of the Code of Civil Procedure, to set aside the judgment and decree dated 30.11.2011 passed in A.S.No.20 of 2011, on the file of the Subordinate Judge, Gobichettipalayam, setting aside (and remitting back) the judgment and decree dated 08.06.2011 passed in O.S.No.174 of 2008, on the file of the District Munsif Court, Gobichettipalayam, and allow the revision with cost.

For Appellant : Mr.B.Ram
For Respondents : Mr.V.S.Kesavan for R1
No appearance for R2

J U D G M E N T

This Civil Miscellaneous Appeal is preferred to set aside the judgment and decree dated 30.11.2011 passed in A.S.No.20 of 2011, on the file of the Subordinate Judge, Gobichettipalayam, setting aside (and remitting back) the judgment and decree dated 08.06.2011 passed in O.S.No.174 of 2008, on the file of the District Munsif Court, Gobichettipalayam, and allow the revision with cost.

2. When the matter is taken up for hearing, the learned counsel for the appellants would submit that the suit was decreed after full contest on 20.11.2015. Since the suit was disposed of on merits, the Civil Miscellaneous Appeal is not maintainable.

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

Sd/-

Assistant Registrar (CS.VI)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Gobichettipalayam.

2.The District Munsif,
Gobichettipalayam.

AKM/26.02.21/ 2P-3C/

C.M.A.No.1304 of 2012
02.02.2021



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