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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2553 of 2012
and M.P.No.1 of 2012

1.Saraswathy
2.Chellammal

... Appellants

Vs.

1.Karuppannan
2.Kaliammal
3.Selvaraj
4.Yogarani
5.Periyasamy
6.Selvakumari

... Respondents

PRAYER : Civil Miscellaneous Appeal is filed under Order 43 Rule 1(r) of CPC r/w Section 104 of C.P.C, praying to set aside the fair and decreetal order dated 10.04.2012 passed in I.A.No.32 of 2012 in O.S.No.158 of 2011 by the Additional District Judge cum Fast Track Court, Namakkal and allow the Civil Miscellaneous Appeal.

For Appellants : Mr.Naveen Kumar

For Respondents : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal is preferred to set aside the fair and decreetal order dated 10.04.2012 passed in I.A.No.32 of 2012 in O.S.No.158 of 2011 by the Additional District Judge cum Fast Track Court, Namakkal.

2. When the matter was taken up for hearing, the learned counsel for the appellants would submit that the appellants filed I.A.No.32 of 2012 against the defendant not to alienate the property till the disposal of the suit. Aggrieved by that he preferred this Civil Miscellaneous Appeal.

3. As on date, the suit was dismissed for default by the plaintiff in the year 2018 itself. This fact also admitted by the appellant counsel, at the time of the hearing. Hence, as on date, the suit is not alive.



4. Accordingly, this Civil Miscellaneous Appeal is dismissed as infructuous. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Additional District Judge cum Fast Track Court,
Namakkal.

+1cc to M/s.S.Varsha, Advocate Sr.20301

C.M.A.No.2553 of 2012

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srg 09/06/2021