

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2372 of 2013

D.Lenin .. Appellant/Respondent/Plaintiff

Vs.

T.Raji .. 1st Respondent/appellant/Defendant

Civil Miscellaneous Appeal filed under 43 Rule (1) (a) of Civil Procedure Code, against the judgment and decree of the District Court, Tiruvannamalai dated 25.03.2013, in A.S.No.13 of 2012 setting aside the judgment and decree of the Additional Subordinate Judge, Tiruvannamalai dated 28.11.2011 passed in O.S.No.147 of 2008 and remanding the matter back to the Trial Court.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the Judgment and decree of the Lower Appellate Court and the material papers in the Appeal and upon hearing the arguments of MR.K.Goviganesan, Advocate for the Appellant and of M/s.Krishnaprasad for M/s.Sarvabhauman Associates for the Respondent and this court while allowing the above Civil Miscellaneous Appeal, the matter is remand back to the first appellate Court for disposal, doth order and decree as follows:

i) that the common Judgment and decree passed in A.S.No.13 of 2012 on the file of the District Court, Tiruvannamalai, setting aside the judgment and decree of the Additional Subordinate Judge, Tiruvannamalai in O.S.No.147/2008 dated 28.11.2011 directing the remand of the Suit for fresh consideration be and hereby is set aside.

ii) that the Additional Subordinate Judge, Tiruvannamalai be and hereby is directed to record the evidences adduced by both the parties and mark documents filed by the parties in

OS.No.147/2008 and send back the same to the first appellate Court within a period of three months from the date of receipt of the copy of the judgment.

iii)the District Judge, Tiruvannamalai, upon receipt of the evidences and documents from the Additional Subordinate Judge,Tiruvannamlai be and hereby is directed to dispose of Appeal Suit No.13/2012 as expeditiously as possible within six months in the light of the observations and directions contained in the judgment herein.

iv)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To,

1.The District Judge,
Tiruvannamalai

2.The Additional Subordinate Judge,
Tiruvannamalai.

Copy to:
The Section Officer,
VR Section, High Court,Madras.

+1cc to Mr.K.Goviganesan,Advocate SR.Nos.6581

Dated:04.02.2021
DECREE

C.M.A.No.2372 of 2013

Allowing the Civil Miscellaneous Appeal preferred against the common Judgment and decree of the District Judge, in A.S.No.13 of 2012 dated 25.03.2013 preferred against the common judgment and decree of the Additional Subordinate Judge, Tiruvannamalai in O.S.No.147 of 2008 dated 28.11.2011 and remitted back to the first appellate court etc as stated within.

A.SK(23.09.2021)