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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

O.S.A.(CAD) No. 113 of 2021

M.Senthil Nathan	...Appellant/Respondent/Defendant
vs	
KR. Palaniappa Chettiar	...Respondent/Applicant/Plaintiff

Prayer: Appeal under Section 13(1) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 to set aside the order dated 13.09.2021 made in Application No. 2815 of 2021 in C.S. No. 247 of 2021.

This Application is filed seeking a direction to the respondent/defendant to furnish security to the tune of Rs.1,08,86,398/- by a date to be fixed by this Court and in default of the defendant doing so order attachment of the properties morefully described in the Judges summon filed herewith before of Judgment pending disposal of the suit.

Prayer in C.S. No. 247 of 2021:This suit filed under order IV Rule 1 of O.S. Rule 1 of R/W order VII Rule 1 CPC praying to directing the Defendant to pay the plaintiff for a sum of Rs. 1,08,86,398/- with subsequent interest at the rate of 18 percentage p.a. from the date of plaint on Rs.1,01,63,376/- and on Rs.7,23,022/- till date of realisation and to pay the plaintiff the Court of the suit.

For the Appellant : Ms. M.Rakhi



ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

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Learned counsel for the appellant prays for withdrawal of the appeal with liberty to file an application before the learned single Judge to re-call the order dated 13.09.2021 passed in A.No.2815 of 2021 in C.S.No.247 of 2021.

In view of the above, the appeal is dismissed as withdrawn with liberty as prayed for. C.M.P. No. 18543 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vjt

To:

The Sub Assistant Registrar,
Original Side,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.R.Jayaprakash, Advocate Sr.No.64137(08/03/2022)

O.S.A. (CAD) No. 113 of 2021

SR[co]

NSK 10/12/2021