

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.528 of 2017

and

C.M.P.No.3337 of 2017

Muthukrishnan

.. Appellant

Vs.

Deivanayagi

.. Respondent

PRAYER : Civil Miscellaneous Appeal is filed under Order 43 Rule 1 of Civil Procedure Code, against the Judgment and Decree dated 25.11.2016 made in I.A.No.386 of 2016 in O.S.No.255 of 2016 on the file of the Additional District Court, Dharapuram.

For Appellant : No appearance

For Respondent : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal is preferred against the Judgment and Decree dated 25.11.2016 made in I.A.No.386 of 2016 in O.S.No.255 of 2016 on the file of the Additional District Court, Dharapuram.

2. No representations on both sides.

3. Information was received from the Additional District Court No.III, Dharapuram, wherein it is stated that the judgment was pronounced by judgment dated 03.03.2016, in which the suit was decreed in favour of the plaintiff.

4. On a perusal of the records, it is seen that the Civil Miscellaneous Appeal was filed challenging the order passed by the learned Additional District Judge, Dharapuram in I.A.No.386 of 2016 in O.S.No.255 of 2016 which was filed by the respondent/petitioner for the relief of temporary injunction under Order 39 Rule 1 and 2 of CPC.

5. Now the suit itself was decreed in favour of the plaintiff's. Hence, the Civil Miscellaneous Appeal is not maintainable as the relief become infructuous.

6. Accordingly, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

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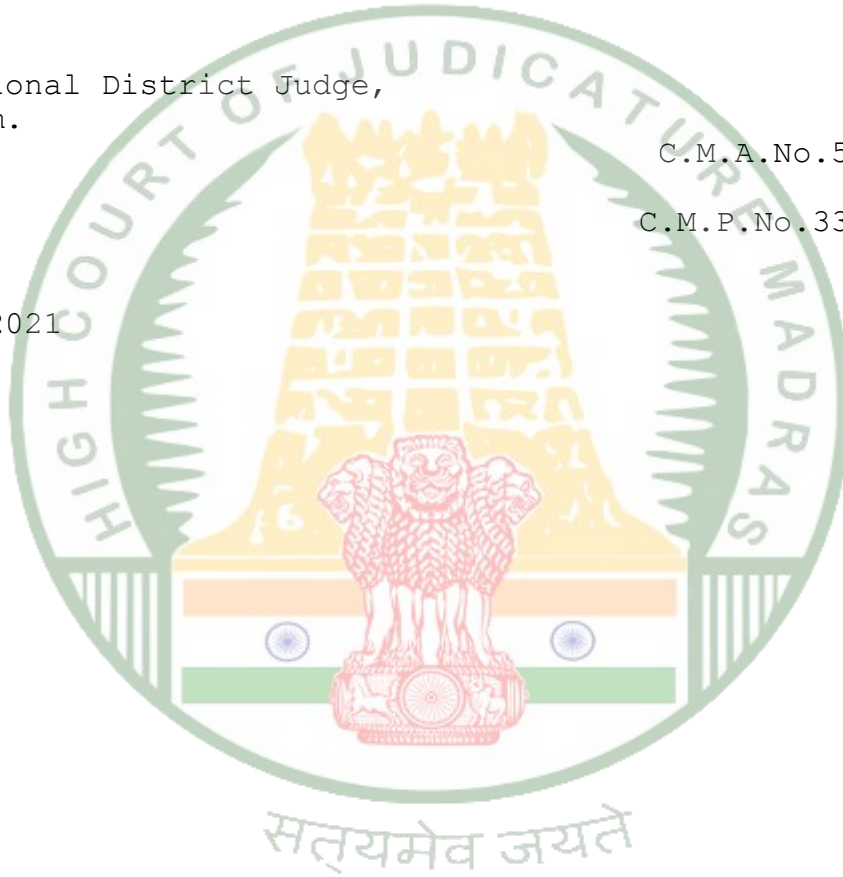
Sub Assistant Registrar

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The Additional District Judge,
Dharapuram.

C.M.A.No.528 of 2017
and
C.M.P.No.3337 of 2017

GMI (CO)
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