



WEB COPY

S.A.(MD)No.737 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

S.A.(MD)No.737 of 2011

and

C.M.P.(MD)No.4046 of 2016 &

M.P.(MD)No.2 of 2011

Palraj

... Appellant / Appellant / Plaintiff

-Vs-

1.Chellaiah (Died)
2.Muniammal
3.Kumarasamy
4.Chandrabose
5.Rajammal
6.Rajkumar
7.Palraj
8.Annapushpam
9.Lakshmi
10.Manickam
11.Shanthi

... Respondents/Respondents/Defendants

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree made in A.S.No.2 of 2008 dated 26.02.2010 passed by the learned Subordinate Judge, Ramanathapuram as against modifying the judgment and decree in O.S.No.59 of 2000, dated 30.10.2007 passed by the District Munsif Court, Ramanathapuram.

For Appellant	: Mr.P.Vairava Sundaram
For R1	: Died
For R2 to R4	: Mr.R.Gandhi
For R5 to R10	: No appearance

JUDGMENT

The learned counsel on either side inform the Court that C.M.P. (MD)No.11422 of 2016 filed by the appellant seeking permission to withdraw the second appeal with liberty to file a fresh suit on the same cause of action was allowed as early as on 29.11.2016.

2. When I verified the records, I find that the said statement is correct. However, no order has been passed in the main second appeal. When C.M.P.(MD)No.11422 of 2016 was allowed, automatically the second appeal also should be taken as having been dismissed as

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withdrawn on the said date itself. No further orders are necessary. Registry to despatch the records to the trial Court without any further delay.

3.The second appeal is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

To

1.The Subordinate Judge, Ramanathapuram.

2.The District Munsif Court, Ramanathapuram

3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

S.A.(MD)No.737 of 2011

and

C.M.P.(MD)No.4046 of 2016 &

M.P.(MD)No.2 of 2011

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RK (02.08.2021) 2P 5C