



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.M.P. No.9868 of 2019
in S.A. Sr. No.33455 of 2019

C.M.P. No.9868 of 2019
in S.A. Sr. No.33455 of 2019

Kanniappan ... Petitioner/Appellant/Defendant

Vs.

Dhanabaggiam ... Respondent/Respondent/Plaintiff

Civil Miscellaneous Petition is filed under Order 4 Rule 3A r/w. Order 42 Rule 1 C.P.C., to condone the delay of 350 days in filing the second appeal SR.33455 of 2019 against the judgment and decree passed in O.S. No.422 of 2007 on 21.11.2014 by District Munsif, Chengalpattu and confirmed in A.S.No.11 of 2016 by the Principal Subordinate Judge, Chengalpattu dated 03.10.2017.

For Petitioner : Mr. P.Thiagarajan

S.A. Sr. No.33455 of 2019

Kanniappan ... Appellant

Vs.

Dhanabaggiam ... Respondent

Appeal suit is sought to be filed under Section 100 C.P.C., against the judgment and decree made in A.S. No.11 of 2016 on the file of the Subordinate Judge, Chengalpattu dated 03.10.2017 confirming the judgment and decree passed in O.S. No.422 of 2007 on the file of District Munsif, Chengalpattu dated 21.11.2014.

For appellant : Mr. P.Thiagarajan



O R D E R

Learned counsel appearing for the petitioner produced a copy of memo dated 18.08.2021, stating that he has instructions from his client to withdraw the civil miscellaneous petition and the unnumbered second appeal. The original memo stated to have been filed is not available in the bundle. He further submitted that the respondent is petitioner's mother and that the petitioner is continuously in occupation of a portion of the property after the death of respondent and that there is no dispute with regard to his right over the suit property at the instance of other legal heirs of respondent. Though the petitioner seeks liberty to initiate legal proceedings as against the legal heirs, learned counsel appearing for the petitioner does not press for liberty as this Court declined to give liberty on a memo without issuing notice to respondent.

2. Recording the statements of the learned counsel for the petitioner, the civil miscellaneous petition and the above unnumbered second appeal is dismissed as withdrawn. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

bkn

To:

1. The Principal Subordinate Judge,
Chengalpattu.

2. The District Munsif,
Chengalpattu.

Copy to
The Sub Assistant Registrar,
A.E. Section, High Court, Madras.

+1cc to Mr.P.Thiagarajan, Advocate Sr.24859

C.M.P. No.9868 of 2019
in S.A. Sr. No.33455 of 2019

ajs[col]
srg 27/04/2022