



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

AS.No.543 of 2018
and
CMP.No.20601 of 2021

1.A.Sivagami
2.K.Senthil Kumar
3.Ruthira Moorthy
4.K.B.Boopathy
5.K.Santhamani

... Appellants / Plaintiffs

v.

Karuppanna Gounder (died)

1.A.Ponnian @ Ponnusamy
2.Marappan
3.Nanjappan
Subbammal (Died)
4.Lakshmi
5.R.Saraswathy
6.S.Velumani
7.K.Mani

(Amended as per order in
I.A.No.33 of 2017 dated 08.02.2017)

... Respondents / Defendants

Appeal Suit filed under Section 96 of CPC r/w Order 41 Rule 1 of CPC., to set aside the judgment and decree dated 20.11.2017 in O.S.No.550 of 2011 on the file of the I Additional District Court, Coimbatore.

For Appellants	..	Mr.M.Guruprasad
For R1, R4 to R7	..	Mr.L.Govi Ganesan
For R2	..	Mr.K.Senthilkumar
For R3	..	No appearance

JUDGMENT

A letter dated 03.03.2022 had been addressed to the Registry by the learned counsel for the appellant, requesting listing of the First Appeal for withdrawal. Hence, today the appeal has



been listed for withdrawal. The learned counsel for the appellant is present and he stated that the Appeal can be dismissed as withdrawn.

2.The Appeal arises from O.S.No.550 of 2011, which was on the file of the I Additional District Court, Coimbatore. After trial, the said suit was dismissed by judgment dated 20.11.2017. The plaintiffs filed the present First Appeal. Now it is stated that the issues raised have been amicably settled between the parties and therefore, there is no necessity to prosecute the First Appeal any further and in that regard a letter has been addressed seeking to withdraw the First Appeal.

3.The learned counsel for the 2nd respondent / 3rd defendant stated that in the compromise, the 3rd defendant had not been included and therefore, stated that he will have to be given necessary liberty to take up the matter further in manner known to law. That option is available and liberty need not be strictly given. If any right is defeated to the 2nd respondent / 3rd defendant, he may always proceed in manner known to law, to protect his rights.

4.Recording that particular statement, the Appeal Suit is dismissed as withdrawn. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

smv

To

1. The I Additional District Court, Coimbatore.

2. The Section officer

VR Section, High Court Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.20011

+1cc to Mr.K.Senthilkumar, Advocate, S.R.No.19945

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SPD(CO)

CT 06/04/2022