



S.A.No.583 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.583 of 2021

and

C.M.P.Nos.12425 of 2021 and 13746 of 2022

1.Vijay Aravind
2.Anand Adhirey

...Appellants

Vs

1.Devaki
2.Susila
3.Sekar @ Gunasekar
4.Kutti @ Annadurai
5.Lalitha
Respondents 1 to 5 are
Represented by their General
Power of Attorney
Mrs.Sarasu @ Sarobin.

6.Sarasu @ Sarobin

... Respondents

Prayer: Second Appeal is filed under Section 100 of C.P.C against the Judgement and Decree passed in A.S.No.19 of 2019, dated 16.03.2021 on the file of Sub-Court, Tambaram, reversing the Order and Decreetal order



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passed in I.A.No.924 of 2017 in O.S.No.72 of 2015, dated 20.06.2018 on the file of the District Munsif, Tambaram.

For Appellants : No Appearance

For Respondents : R1 to R5 represented by
Power of Attorney – R6.
Mr.T.Saikrishnan [R6]

JUDGEMENT

The learned counsel for the respondents has made an endorsement that he is withdrawing the counter claim filed before the District Munsif, Tambaram. Though the vacate stay petition was listed before this Court twice, there was no representation on the side of the appellants. The learned counsel for the respondent/ vacate stay petitioner had on the last date sought time to get instructions from his client to withdraw the counter claim and thereafter proceed with the Suit itself. Once the counter claim is withdrawn nothing would survive for consideration in this Second Appeal. Today, Mr.T.Saikrishnan, learned counsel for the sixth respondent on instructions has made the above referred endorsement.



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2. Considering the above, nothing survives for further adjudication in this Second Appeal. Hence, this Second Appeal is closed.

3. The Registry is directed to send back the records if any received from the Courts below. It is also seen that the written statement has been filed on 17.03.2015 itself, after which, the application for rejecting the counter claim under the provisions of Order 7 Rule 11 of C.P.C., has been taken on file.

4. In the light of the above fact, the learned District Munsif, Tambaram is directed to dispose of the suit within a period of four months from the date of receipt of a copy of this judgment. No costs. Consequently, connected civil miscellaneous petitions are closed.

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Index : Yes/No
Speaking order/non-speaking order
ssn

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P.T.ASHA, J.,

ssn

To

1. The Sub-Judge,
Tambaram.
2. The District Munsif,
Tambaram.
3. The Section Officer,
V.R.Section,
High Court, Madras.

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and

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