



S.A. No. 666 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No.666 of 2018

and

C.M.P.No. 20371 of 2018

Elizabeth,
represented by Power Agent
Mr.P.Philips,
W/o. Philips

... Appellant

Versus

K.Harikumar,
S/o. Krishnaswamy Raju

... Respondent

Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 18.04.2018 passed by the Subordinate Judge, Ponneri in A.S.No.2 of 2014 confirming the decree and judgment dated 29.04.2013 passed by the District Munsif, Ponneri in I.A.No.608 of 2012 in O.S.No. 89 of 2012.



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For Appellant : Mr.K.P.Gnanasekaran

For Respondent : Mr.P.Rajendra Kumar for
Mr. N.K.Sriraman

JUDGEMENT

Today, when the matter taken up for hearing, the learned counsel appearing for the Appellant submitted that he has no instructions.

2. The learned counsel for the respondent would submit that it is a second round of litigation suppressing the earlier proceedings. The Plaintiff had approached the lower court seeking for permanent injunction with unclean hands. Hence, the defendant had filed a petition to reject the plaint and the same was allowed. Against which, this Second Appeal has been filed.

3. The learned counsel for appellant would submit that the plaintiff is not interested in proceeding with the case. On the other hand, the defendant is able to establish that the plaint, as it is not maintainable in law. Accordingly, the trial court had accepted and allowed the petition to reject



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the plaint filed under Order VII Rule 11 of C.P.C. in I.A.No. 608 of 2012.

Therefore, this Second Appeal is dismissed on the ground of no instructions on the side of plaintiff and the order passed by the learned District Munsif, Ponneri in I.A.No.608 of 2012 in O.S.No.89 of 2012 is confirmed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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To

Sub-Judge,
Ponneri.



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T.V.THAMILSELVI, J.

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