

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE **R.THARANI**

C.M.A(MD)No.1157 of 2012

in

M.P.(MD)No.1 of 2012

P.Selvaraj

... Appellant/Respondent/Plaintiff

Vs

1.Johnson Chellappa

2.Maria Reeta

... Respondents/Appellants/Defendants

PRAYER :-

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, 1988, to set aside the order of remand, dated 11.04.2012 rendered in A.S.No.04 of 2010 on the file of the Additional District Judge cum Fast Track Court at Virudhunagar, by setting aside the decree and judgment, dated 12.04.2010 rendered in O.S.No.64 of 2008 on the file of the Subordinate Judge, Virudhunagar.

For Appellant : Mr.N.Subramanian

For R1 : Died

For R2 : Mr.M.Musthafakhan

JUDGMENT

This appeal is filed against the order of remand made in A.S.No.04 of 2010 on the file of the Additional District Judge cum Fast Track Court at Virudhunagar, dated 11.04.2012 by setting aside the decree and judgment, dated 12.04.2010 made in O.S.No.64 of 2008 on the file of the Subordinate Judge, Virudhunagar.

2.The appellant is the plaintiff. The respondents are the defendants in the original suit in O.S.No.64 of 2008 on the file of the Subordinate Judge, Virudhunagar. The plaintiff filed a suit for recovery of money on the basis of a pro-note. The suit was decreed by the trial Court. Against the decree and judgment, the defendants preferred an appeal in A.S.No.4 of 2010 on the file of the Additional District Judge, Virudhunagar. The learned Additional District Judge set aside the judgment and decree and remanded the matter back to the trial Court. Against the order of remand, the appellant herein filed this Civil Miscellaneous Appeal.

3.When the matter was taken up for arguments, a memo was filed by the second respondent stating that the civil suit in O.S.No.64 of 2008 on the file of the learned Subordinate Judge, Virudhunagar was amicably settled before the Lok Adalat on 08.12.2018. The copy of the order passed in the Lok Adalat was also filed. The second respondent, who was present, has admitted that the matter was amicably settled before the Lok Adalat.

4.In view of the submission made by both the counsel, the Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2022

Index: Yes / No

Internet : Yes / No

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To

- 1.The Additional District Judge cum Fast Track Court at Virudhunagar.
- 2.The Subordinate Judge, Virudhunagar.
- 3.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

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R.THARANI, J.

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