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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.06.2022

CORAM

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

C.M.A (MD) No. 341 of 2010

and

M.P. (MD) No. 1 of 2010

G.Igneshiyes

... Appellant/Plaintiff

Vs

1.The State of Tamilnadu

Represented by it District Collector,
Karur.

2.The Thasildhar

Kulithalai, Karur District.

3.The Commissioner

Panchayat Union, Kulithalai.

4.The President

Rajenthiram Village panchayath,
Rajenthiram, Kulithalai.

... Respondents/Respondents

PRAYER :-

This Civil Miscellaneous Appeal is filed under Order 43 Rule 1 (U) and Section 104 of Code of Civil Procedure against the judgment and decree in A.S.No.2 of 2007 dated 28.02.2007 remanding the judgment and decree in O.S.No.66 of 2000 on the file of District Munsif Court, Kulithalai dated 17.03.2006.

For Appellant : M/s.K.Govindarajan

For R1 and R2 : Mr.M.Ramesh
Government Advocate

For R3 : Mr.M.Rajarajan

JUDGMENT

When the matter was taken up for hearing, the learned counsel for the appellant is not ready for arguments. Already a report was called for from the trial Court. The Trial Court has submitted a report wherein it is stated that the case was dismissed for default on 01.07.2005 and the same was restored on 22.11.2005. After trial,



the suit was partly decreed on 17.03.2006 and an appeal in A.S.No.2 of 2007 was filed. On 28.02.2007, the appeal was remanded to the trial Court and the case was again dismissed for default on 18.06.2008 and was restored on 03.12.2008. Once again the case was dismissed for default on 27.07.2010.

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2.Since the original suit was already dismissed, this Civil Miscellaneous Appeal is dismissed as infructuous. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1.The District Munsif Court, Kulithalai.

2.The District Collector, Karur.

3.The Thasildhar, Kulithalai, Karur District.

Copy to

The Record Keeper, Vernacular Records(2 copies)
Madurai Bench of Madras High Court, Madurai.

**C.M.A(MD)No.341 of 2010
and**

**M.P. (MD)No.1 of 2010
13.06.2022**

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TR(24.06.2022) 2P 6C