



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(CIVIL APPELLATE JURISDICTION)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY TWO THOUSAND TWENTY TWO

WEB COPY

PRESENT

THE HON`BLE MRS.JUSTICE S.ANANTHI

CMA(MD) . NO.545 OF 2021

NOORJAHAN, ... Appellant/Respondent/Defendant

Vs

MOHMED MARIYAM
Rep. by her Power Agent,
Abdul Razack, ... Respondent/Appellant/Plaintiff

Prayer:-

Civil Miscellaneous Appeal filed under Order 43 Rule 1 of the Civil Procedure Code to set aside the order of remand made in A.S.No.23 of 2016 dated 21.11.2020, on the file of the learned Subordinate Judge, Pattukkottai, Thanjavur District, by which, set aside the Judgment and Decreetal Order made in O.S.No.181 of 2010, dated 22.06.2016, on the file of the learned District Munsif Court, Pattukkottai, Thanjavur District, and restore the Decree and Judgment of the Trial Court.

DECREE:-

This Second Appeal coming on for hearing on Wednesday the Twenty second day of December Two Thousand and Twenty one and upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of Mr.S.DEENADHAYALAN, Advocate for the Appellant and of Mr.M.C.SWAMY, Advocate for the respondent, having stood over for consideration by this Court till this date, doth order and decree as follows:-

(1) That the remand order dated 21.11.2020 made in A.S.No.23 of 2016 passed by the Subordinate Judge, Pattukkottai, be and hereby is set aside.

(2) That the Subordinate Judge, pattukkottai be and hereby is directed to restore the aforesaid appeal on his file and dispose the matter on merits within a period of three months from the date of receipt of copy of the Judgment, without influencing the order passed by this Court.



(3) That there be no costs in this Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The Sub ordinate Judge,
Pattukkottai, Thanjavur District.

2.The District Munsif,
Pattukkottai, Thanjavur District,

COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-2677 dated 27/01/2022)

ORDER DATED : 27/01/2022

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DECREE

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CMA(MD). No.545 of 2021

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred to set aside the order of remand made in A.S.No.23 of 2016 dated 21.11.2020, on the file of the learned Sub ordinate Judge, Pattukkottai, Thanjavur District, by which, set aside the Judgment and Decreetal Order made in O.S.No.181 of 2010, dated 22.06.2016, on the file of the learned District Munsif Court, Pattukkottai, Thanjavur District, and restore the Decree and Judgment of the Trial Court and etc as stated within.

KM(CO)

GC(17.02.2022) 2P 6C