



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.2536 of 2018
IN
AS(MD) No.135 of 2010

T.S.GOVINDARAJAN

... PETITIONER/APELLANT

Vs

(*) 1.RAMAYEE (DIED)

2. T.MUTHUMANICKAM
3. T.SENTHAMARAI

... RESPONDENTS/RESPONDENTS

(*)RESPONDENTS 2 AND 3 ARE BROUGHT
ON RECORD AS LRS OF THE DECEASED
SOLE RESPONDENT VIDE COURT ORDER
DATED 04.03.2022 MADE IN CMP(MD)
NO.2406/21 IN AS(MD) NO.135/10 BY
RTJ.

Petition filed praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court may be pleased
to accept document produced more specifically detailed herein to as
additional evidence on my side and mark the said documents as Ex-A3
and A4.

PRAYER IN AS(MD) No.135 of 2010

Pleased to reverse and set aside the Judgement and Decree in
O.S.No.72/2006 on the file of the Additional District Judge (Fast
Track Court No.I), Tiruchirapalli.

ORDER : This petition coming up for orders on this day, upon
perusing the petition and the affidavit filed in support thereof and
upon hearing the arguments of M/S.V.RAGHAVACHARI, Advocate for the
petitioner, the court made the following order:-

This petition is filed to accept the document produced, more
specifically detailed hereunder, as additional evidence on the
Petitioner's side and mark the said documents(Certified copy of the
order in R.C.A.No.7 of 2006, dated 18.09.2009 and Certified copy of
the decreetal order in R.C.A.No.7 of 2006, dated 18.09.2009) as
Ex.A3 and Ex.A3.



2.Heard the learned counsel for the Petitioner and perused the materials placed before this Court.

3.Since the sole respondent in the above CMP died, the respondents 2 and 3 are brought on record as legal representatives of the deceased sole respondent.Though the learned counsel for the Petitioner has taken steps to implead the legal representatives of the deceased sole respondent and has taken steps to serve notice on the respondents in the main appeal, he has not taken any steps to serve notice on the respondents in the above application.

4.At this juncture, learned counsel for the Petitioner seeks permission of this Court to not press this application with liberty to file a fresh application for the same relief on the same cause of action. and has also made an endorsement to that effect.

5.In view of the above, this Petition is dismissed as not pressed with liberty to the Petitioner to file a fresh application for the very same relief on the same cause of action.

sd/-
14/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT NO.I),
TIRUCHIRAPALLI.

ORDER
IN
CMP (MD) No.2536 of 2018
IN
AS (MD) No.135 of 2010
Date :14/06/2022

VSN
USK/PN/SAR-III/16.06.2022/2P/2C