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Ts.CS.No.88 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM:

THE HON'BLE MS.JUSTICE R.N.MANJULA

Tr.CS.No.88 of 2018

R.Shyam Chandra

...

Plaintiff

Versus

Y.V.Shivapriya

...

Defendant

PRAYER: Transfer Civil Suit filed under Order VI Rule 1 & 2 of Madras High Court O.S.Rules and Section 26 of CPC, praying to pass a decree and judgement in favour of the plaintiff against the defendant:

(a)passing a preliminary decree for partition and separate possession directing the defendant to divide the suit property in to two equal shares and put the plaintiff in possession and enjoyment of one such share with in the time stipulated by this Court failing which

(b)pass a final decree for partition and separate possession of the suit property and appointing the commissioner to divide the suit property as per the terms and conditions of the preliminary decree with qualified surveyor.

(c) directing the defendant to pay the cost of the suit

(d) pass such further or other order as this Court may deem fit and proper in the circumstances of the case.



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For Plaintiff : Mr.E.Angayarkani

For Defendant : M/S.S.Sathyiya Narayanan

JUDGMENT

When the matter is taken up today for hearing, the learned counsel for the plaintiff filed a memo stating that the suit in Tr.CS.No.88/2018 can be dismissed as withdrawn.

2. Memo recorded and hence the suit in Tr.CS.No.88/2018 is **dismissed as withdrawn**. Since this matter had tagged along with the other CS.No.418 of 2017 and Tr.CS.No.88 of 2018 was the leading case in which the plaintiff was examined as PW.1, the evidence of PW.1 is liable to be struck off in view of withdrawal of Tr.CS.No.88/2018.

3. Hence, the plaintiff in CS.No.418 of 2017 has to adduce evidence afresh and begin the trial in CS.No.418 of 2017.

4. The plaintiff in CS.No.418 of 2017 is directed to appear before the learned Master on 28.06.2023.

15.06.2023

[½]

Index : Yes / No

Speaking order / Non-speaking order

Internet: Yes/No

jrs



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R.N.MANJULA, J.

jrs

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