



O.S.A.No.259 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

O.S.A.No.259 of 2021
and
C.M.P.Nos.12221 & 12223 of 2021

1.S.Manivasagam

2.S.Asokan

3.Shanmugam

...Appellants

Vs

1.Smt.K.Thilagavathi

2.K.Yuva Bharathi

3.K.Nava Bharathi

4.K.Sasi

5.Minor K.Sabarivasan
rep.by his mother &
natural guardian 1st respondent

6.Mrs.Rakkammal

7.Lakshmi

8.S.Pandian @ Sekar Pandian

9.Sugumar



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10.Vinod kumar

... Respondents

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PRAYER: Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of Letters Patent to set aside the Order dated 16.12.2020 passed in Application No.703 of 2019 in C.S.No.576 of 2011 on the file of the Original Side of this Court.

For Appellants : Mr.V.Venkatasamy

For Respondents : Mr.M.Balasubramanian for R1 to R5.

Mr.R.Srinivasalu for R6.

Mr.P.B.Suresh Babu for R8

No appearance for R7 & R10.

J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN,J,]

This Original Side Appeal has been filed to set aside the Order dated 16.12.2020 passed in Application No.703 of 2019 in C.S.No.576 of 2011 on the file of this Court.

2. When this Original Side Appeal was taken up for hearing, the learned counsel for the appellant fairly submitted that since the preliminary



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decree passed in the Suit in C.S.No.576 of 2011 was set aside and the Suit is now at the stage of framing issues, nothing survives for further adjudication in this appeal and he has also made an endorsement to that effect.

3. Recording the above submission and the endorsement made by the learned counsel for the appellant, this Original Side Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.M.D.,J.) (J.S.N.P.,J.)

03.01.2023

ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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