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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.M.A.Nos.1471 and 1472 of 2017

1.Paul Ponmony

2.Anil Ponmony ... Appellants in both the cases

Vs.

1.K.Natarajan ... Respondent in both the cases

2.Ajay Ponmony
(Given up)

COMMON PRAYER: Appeal filed under Or.XLIII Clause 1 and Sub Clause (r) of CPC against the order and decree made in I.A.No.4 of 2016 and 110 of 2015 in O.S.No.76 of 2015 dated 21.12.2016 on the file of the IV Additional District Court, Ponneri.

For Appellants : Mr.N.Damodaran

For Respondents : Mr.P.Sivamani for R1

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COMMON JUDGMENT

These Civil Miscellaneous Appeals are preferred against the judgment and decree in I.A.Nos.4 of 2016 and 110 of 2015 in O.S.No.76 of 2015 dated 21.12.2016 on the file of IV Additional District Judge, Ponneri.

2. It is brought to the notice of this Court that suit itself came to be dismissed as early as on 27.09.2021. It is relevant to note that the adjudication preceding the dismissal of the suit runs as follows:

> *"Plaintiff called absent. No representation. Suit is in the year of 2015. Matter is posted for Trial from 17.04.2017. No steps Taken. Hence suit is dismissed for default."*

3. However, Mr.P.Sivamani, learned counsel appearing for the 1st respondent is unable to confirm the said fact. However, it is seen that daily status available in E-courts website clearly evidences the fact the suit has been dismissed way back on 27.09.2021 and hence nothing survives for

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adjudication in the above Civil Miscellaneous Appeals since they arise only out of Interlocutory Applications. However, liberty is granted to the appellants in the event they deem it fit to revive the Civil Miscellaneous Appeals consequent upon the suit being restored to file. However, it is made clear that liberty granted here shall not be cited as a reason for the Trial Court while considering the restoration application or delay application on merits.

4. With the above observations, these Civil Miscellaneous Petitions are closed. No costs.

23.02.2023.

Internet:Yes
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
kpr

To
1.The IV Additional District Judge
Ponneri.

2.The Section Officer
V.R.Section
High Court, Madras

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P.B.BALAJI, J.,
kpr

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