



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

Monday, the Thirteenth day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP(MD) No.2909 of 2023

IN

SA(MD) No.861 of 2011

FARITHA

... PETITIONER/APELLANT

Vs

SIRAJUDEEN

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to accept the request of the petitioner to withdraw the present second appeal in SA(MD).No.861 of 2011 on the file of this Honble Court with the direction to the registry to return all the original document filed and marked on the plaintiff side viz., Ex.A1 to A12 in O.S.No.212 of 1997 on the file of District Munsif Court, Ramanathapuram to the petitioner and thus render justice.

PRAYER IN SA(MD) No.861 of 2011:

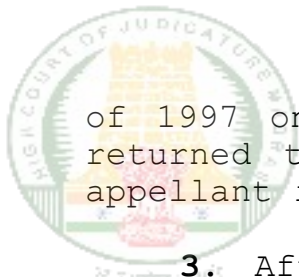
To prefer the above memorandum of grounds of Second Appeal against judgment and decree made in A.S.No.46 of 2006 on the file of Additional District and Sessions Judge(Fast Track Court), Ramanathapuram dated 27.04.2009, confirming the judgment and decree made in O.S.No.212 of 1997 on the file of District Munsif Court, Ramanathapuram dated 03.07.2006.

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.MOHAMED IBRAM SAIBU, Advocate for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of M/S.J.M.HASSANUL BAZARI, Advocate on behalf of the Respondent the court made the following order:-

This Civil Miscellaneous Petition has been filed requesting permission of this Court for withdrawal of the Second Appeal and for return of the original documents, which were marked as Exs.A1 to A12 in O.S.No.212 of 1997 on the file of District Munsif Court, Ramanathapuram to the petitioner / appellant.

2. No prejudice would be caused to the respondent, if the

original documents, which were marked as Exs.A1 to A12 in O.S.No.212



CMP(MD)



23

of 1997 on the file of District Munsif Court, Ramanathapuram. The same has been returned to the petitioner / appellant, since the petitioner / appellant is withdrawing the Second Appeal.

3. After recording the averments contained in the affidavit filed in support of this application, the Civil Miscellaneous Petition is allowed as prayed for and the petitioner / appellant is permitted to withdraw the Second Appeal and the Registry is directed to return the original documents namely Exhibits A1 to A12 marked in O.S.No.212 of 1997 to the appellant / plaintiff after substituting the same with xerox copies.

sd/-
13/03/2023

/ TRUE COPY /

13/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT),
RAMANATHAPURAM

2.THE DISTRICT MUNSIF, RAMANATHAPURAM

ORDER
IN
CMP (MD) No.2909 of 2023
IN
SA (MD) No.861 of 2011
Date :13/03/2023

RK/MMS/SAR-(13/03/2023) 2P/3C