



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A. (MD) .No.353 of 2021andC.M.P. (MD) .No.2909 of 2021

A.Kalyani Ammal

... Appellant / Respondent /
Defendant

Vs.

1.G.Thangarajan
2.T.Mallika
3.T.Muniyandi
4.T.Devika
5.T.Dhanalakshmi
6.T.Gurusamy
7.T.Kannan... Respondents / Appellants /
Plaintiffs

PRAYER: The Civil Miscellaneous Appeal is filed under Order 43 Rule 1 of C.P.C., against the order of the appellate Court in A.S.No.20 of 2018 before the learned Additional District and Sessions Court, Sivagangai, dated 29.10.2020 and to restore the decree and judgment of the Subordinate Court, Devakottai in O.S.No.unnumbered of 2018, dated 09.02.2018.

For Appellant : Mr.S.Madhavan
For RR2, 3, 5 to 7 : Mr.R.Sundar Srinivasan

J U D G M E N T

Though this appeal has been filed challenging the order passed by the first appellate Court remanding the matter to the trial Court, now it is stated by the learned counsel appearing for the respondents 2, 3, 5 to 7 that after the remand, the suit has been decreed by the trial Court. This fact is not disputed by the learned counsel appearing for the appellant. However, it is stated that it is only an ex-parte decree. Whatever it may be, whether it is ex-parte or contested decree, once the trial Court has already



WEB COPY

C.M.A.(MD)



21

decreed the suit, now nothing survives in this appeal. Hence the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

akv

To

1.The Judge, Additional District and Sessions Court,
Sivagangai.

2. The Subordinate Judge,
Devakottai.

+1 CC to M/s.S.MADHAVAN, Advocate (SR-26987[F] dated 08/06/2023)

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-27039[F] dated 09/06/2023)

C.M.A. (MD) .No.353 of 2021
07.06.2023

—
MK/08.07.2023 2P 5C