



C.M.P(MD).No.5841 of 2021
in SA(MD).SR.NO.12447 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.P(MD).No.5841 of 2021
in
S.A(MD).SR.No.12447 of 2021

C.M.P(MD).No.5841 of 2021

P.Rathinam

... Petitioner/Appellant

Vs.

Thiruchendur Arumuga Nainar Visaka Kattalai,
rep., through its Hereditary Huqdar &
Thiruvaduthurai Adheena Karthar
Sri La Sri Ambalavana Desiga
Paramacharya Swamigal, Thoothukudi District

... Respondent/Respondent

(respondent is substituted vide Court order dated 01.10.2021 made in
C.M.P(MD).No.8079 of 2021 in SA(MD).No.SR.12447 of 2021)

Prayer: petition is filed under Order 39, Rule 1 & 2 of the Code of Civil
Procedure, to condone the delay of 304 days in filing the second appeal.

For Petitioner : Mr.A.Arumugam
For Respondent : Mr.B.Brijesh Kishore



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...Appellant/Appellant/Plaintiff

Vs.

Thiruchendur Arumuga Nainar Visaka Kattalai,
rep., through its Hereditary Huqdar &
Thiruvaduthurai Adheena Karthar
Sri La Sri Ambalavana Desiga
Paramacharya Swamigal, Thoothukudi District

... Respondent/Respondent/Defendant

(respondent is substituted vide Court order dated 01.10.2021 made in
C.M.P(MD).No.8079 of 2021 in SA(MD).No.SR.12447 of 2021)

Prayer: Appeal is filed under Section 100 of the Code of Civil Procedure,
to set aside the judgment and decree passed in A.S.No.13 of 2014 dated
25.02.2019 on the file of the Subordinate Court, Valliyoor, confirming
the judgment and decree passed in O.S.No.76 of 2001 dated 21.10.2011
on the file of the Principal District Munsif Court, Nanguneri.

For Appellant : Mr.A.Arumugam
For Respondent : Mr.B.Brijesh Kishore

ORDER

The learned counsel appearing for the petitioner seeks permission
of this Court to withdraw the Civil Miscellaneous Petition filed to
condone the delay of 304 days in filing the second appeal and he has also
made an endorsement to that effect in the Court bundle.



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2. In view of the endorsement made by the learned counsel for the petitioner, the Civil Miscellaneous Petition is dismissed as withdrawn. Consequently, S.A(MD).SR.No.12447 of 2021 is rejected at the SR stage itself.

07.03.2023

Index : Yes / No
Internet : Yes/ No
Rmk

To

- 1.The Subordinate Judge, Valliyoor.
- 2.The Principal District Munsif, Nanguneri.



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C.M.P(MD).No.5841 of 2021
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ABDUL QUDDHOSE.J.,

Rmk

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07.03.2023