



C.M.A(MD)No.1384 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.1384 of 2016

K.Subbaiah

... Appellant/Appellant/
Defendant

Vs.

P.Malathi

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Miscellaneous Appeal is filed under Order 43 Rule 1 of Code of Civil Procedure, against the judgment and decree, dated 21.02.2014 passed in A.S.No.28 of 2013 on the file of the learned Sub Court, Devakottai set aside the judgment and decree dated 27.08.2013 passed in O.S.No.81 of 2008 on the file of the learned District Munsif Court, Karaikudi and further remand the appeal the suit to the trial Court.

For Appellant : Mr.M.P.Senthil

For Respondent : Mr.S.Deenadhayalan



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JUDGEMENT

The present appeal has been filed by the defendant in O.S.No.81 of 2008.

2. The respondent herein had filed a suit for recovery of possession in O.S.No.81 of 2008 on the file of Additional District Munsif Court, Karaikudi and the said suit was decreed on 27.08.2013. The defendant had filed A.S.No.28 of 2013 on the file of Sub Court, Devekottai challenging the judgment and decree of the trial Court. The learned Subordinate Judge had allowed the appeal and remitted the matter back to the trial Court. Challenging the said order of remand, the present appeal has been filed by the defendant.

3. According to the learned counsel appearing on either side, after remand, the suit was reheard and the suit was decreed once again. Challenging the said decree, the defendant has filed A.S.No.29 of 2021 on the file of Sub Court, Devakottai, which is pending. In view of the fact that the order of remand has already been complied with, the suit has been reheard and disposed of. Hence, nothing survives to be adjudicated in the present appeal.



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4. In view of the above said submission, this Civil Miscellaneous Appeal stands closed. No costs.

15.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Sub Court,
Devakottai.
- 2.The District Munsif Court,
Karaikudi.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.M.A(MD)No.1384 of 2016

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