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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

S.A.No.1095 of 2011
& MP.No.1 of 2011

1. A.Loganathan Naidu (deceased)
2. A.L.Ashokan
3. A.L.Naresh
4. A.L.Harikrishnan
5. L.Narasamma

(5th appellant brought on record as
legal heir of the deceased 1st appellant
vide order of court dated 11.3.2024
by GAMJ in CMP.No.23425 of 2023)

...Appellants

Vs.

- 1.A.Kesavalu Naidu (deceased)

K.Manjula (a) Malliga (deceased)

- 2.K.Sornalatha
- 3.A.K.Nandagopal
- 4.Nithyambigai

(R2 to R4 brought on record as
legal heirs of the deceased 1st & his
wife namely K.Manjula (a) Malliga
vide order of court dated 11.3.2024
in CMP.No.23422 of 2023 by GAMJ)

...Respondents



Prayer: Second Appeal filed under Section 41 Rule 1 and Section 100 of CPC

to set-aside the judgment and decree in O.S.No.73 of 2005 dated 12.01.2007 on the file of the learned District Munsif Court at Pallipattu confirming in A.S.No.43 of 2008 dated 08.06.2009 on the file of the learned Subordinate Court at Tiruvallur.

For Appellants 2 to 5 : Mr.B.Gopalakrishnan

For Respondent 2 to 4 : Mrs.D.Selvakumari

JUDGMENT

The counsel on either side appearing for the parties submit that the deceased first appellant and the deceased first respondent were brothers and now, pursuant to their death, their legal heirs have decided to accept the decree passed by the Trial Court and as such, appellants 2 to 5 seeks permission of this Court to withdraw the second appeal. Both the learned counsel for appellants 2 to 5 as well as appellants 2 to 5 have jointly made an endorsement to that effect in the case bundle.



2. Recording the same, the Second Appeal is dismissed as withdrawn.

Consequently, the connected CMP is also dismissed. No costs.

11.03.2024

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Office to Note :

1. Carry out necessary amendments
before issuing order copies
2. Issue order copy on 15.3.2024

Index : Yes/No

Internet : Yes/No

Neutral Case : Yes/No

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G.ARUL MURUGAN, J.

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