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A.S.No.678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2024

CORAM

HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Appeal Suit No.678 of 2024
and
CMP.No.21877 of 2024

Karuppan : Appellant/2nd Defendant

Vs.

1. Alamelu

2. Pachaiammal

3. Ramasamy

4. Arumugam

5. Velmurugan

6. Krishnamurthy

7. Karaimel : Respondents 2 to 7/Defendants 1 & 3 to 7

Prayer: First Appeal has been filed under Section 96 of Civil Procedure Code, to set aside the Decree and Judgment passed in O.S.No.238 of 2014 dated 30.11.2023 on the file of the learned Additional Subordinate Judge, Vrudhachalam by allowing this Appeal.



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For Appellant : Mr.V.Karthikeyan
for K.Manikandan

For Respondents : No Appearance

JUDGMENT

The present Appeal is filed as against the judgment and decree passed by the learned Additional Sub Judge. The present Appeal ought to have been filed before the Appellate Court but it was erroneously filed before this Court. The Registry also without going through the fact that the order which is impugned in this Appeal has been passed by the Additional Sub Court has erroneously numbered this Appeal. Now it is noticed by this Court that the Appellant has bye-passed the procedure and filed the present Appeal before this Court and it is not maintainable before this Court. Therefore, the Registry is directed to transmit the entire case records in relation to this Appeal to the Court of Appeals concerned. The learned Counsel for the Appellant is also directed to present the present Appeal before the Court of Appeal concerned for getting appropriate orders. The Appellate Court is directed to entertain the Appeal as and when it is re-presented by the learned Counsel for the Appellant without taking note of the delay in filing the Appeal.



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2. While calculating the delay in filing the Appeal it is to be considered as the matter was pending before the High Court. Therefore, it should be considered favourably to the Appellant.

In the result, this *Appeal Suit is struck off from the Registry.*

Consequently, connected Miscellaneous Petition is closed. No costs.

08.11.2024

Index : Yes / No
Internet : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No
dh/SRM

To

1. The Additional Sub Judge,
Vrudhachalam.
2. The Section Officer,
V.R.Section,
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP, J.

dh/SRM

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