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C.M.P.No.12641 of 2024

CMP.No.12641 of 2024
in
SA.No.629 of 2023

RMT.TEEKAA RAMAN, J.

This Petition has been filed to modify the order made on 17.04.2024 in SA.No.629 of 2023 and CMP.No.19713 of 2023 to the extent of permitting the Respondent/Appellant to withdraw the SA.No.629 of 2023 with CMP.No.19713 of 2023 as sought by him on 20.09.2023 and consequently dismiss the CMP.No.22196 of 2023 filed by him.

2.Heard the learned counsel for the Petitioners and the learned counsel for the Respondent.

3.On perusal of the Court records, I find that in CMP.No.22196 of 2023, the present Petitioners are the Respondents, they have not filed any counter affidavit in CMP.No.22196 of 2023 and the order dated 17.04.2024 was passed in the open Court, whereby Second Appeal was dismissed and CMP.No.22196 of 2023 was allowed with liberty to the Appellant in Second Appeal to institute a fresh suit for the same subject matter of the Second Appeal.

4.Now the present CMP is filed seeking modification of the order dated 17.04.2024, which was passed in open Court, where they have not filed any counter affidavit. Hence, I find that there is no modification is required in the order dated 17.04.2024 made in SA.No.629 of 2023 & CMP.No.19713 of



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2023. It is open to the learned counsel for the Respondents in the Second Appeal to file appropriate Appeal before the appropriate Forum.

5. Accordingly, this Civil Miscellaneous Petition is closed.

19.07.2024

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Dated: 19.07.2024