



A.S.No.32 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

A.S.No.32 of 2022

and

C.M.P.No.1534 of 2022

Thaiyanayagi
W/o.Thangavel
Vinayagar Koil Street
Gunamangalam Village
Cuddalore Taluk
Cuddalore District

... Appellant

Vs.

1.Panneerselvam
W/o.Thangavel
Vinayagar Koil Street
Gunamangalam Village
Cuddalore Taluk
Cuddalore District

2.The Manager
Cuddalore District Central
Cooperative Bank Ltd.,
Beach Road, Cuddalore 607 001

... Respondents

Prayer: Appeal filed under Section 96 of Code of Civil Procedure against the



A.S.No.32 of 2022

judgment and decree dated 20.09.2021 passed in O.S.No.292 of 2020 on the file of the Principal District Judge, Cuddalore District, Cuddalore.

For Appellant : Mr.P.Sesubalan Raja

For Respondents : No appearance

JUDGMENT

Appeal has been filed against the judgment and decree dated 20.09.2021 passed in O.S.No.292 of 2020 on the file of the Principal District Judge, Cuddalore District, Cuddalore.

2.Learned counsel for the Appellant seeks leave of this Court to withdraw this Appeal and he has also made an endorsement to that effect. The said endorsement is extracted as under:

“The Appellant is permitted to withdraw this Appeal and allowed to present the Plaint before the District Court. Considering the fact that the age of Plaintiff/Appellant is around 89, the District Court may be directed to dispose the Appeal within a stipulated period.”

3.The Appellant herein has filed a Suit in O.S.No.292 of 2020. In which



A.S.No.32 of 2022

the learned Principal District Judge, Cuddalore held that the very same prayer has already been granted and the Plaintiff was already declared as legal heir of Anusuya and declaration relief was also granted in O.S.No.324 of 2015 dated 22.07.2016. The learned Principal District Judge, Cuddalore further held that on the same ground, again very same prayer cannot be gone into and accordingly he has dismissed the Suit. Hence the appeal.

4. In view of the submission and endorsement made by the learned counsel for the Appellant, this Appeal is dismissed as withdrawn with liberty to file proper application before proper forum. In the event of such application being filed, the Court, concerned is required to deal the matter as expeditiously as possible, since the Plaintiff is said to be a senior citizen aged about 89 years. No costs. Consequently, connected Miscellaneous Petition is closed.

02.07.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai



WEB COPY



A.S.No.32 of 2022

RMT.TEEKAA RAMAN.J,

sai

To
The Principal District Judge,
Cuddalore District,
Cuddalore.

A.S.No.32 of 2022
and
C.M.P.No.1534 of 2022

Dated: 02.07.2024