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O.S.A.No.153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

O.S.A.No.153 of 2023

AND

C.M.P.No.19364 of 2023

Raju L Bathija

.. Appellant

Vs.

A.Inbasekar

.. Respondent

Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of Letters Patent, against the order dated 10.08.2023 passed in A.No.3033 of 2023 in C.S.SR.No.72655 of 2023.

For Appellant : Mr.T.Vijay

For Respondent : Mr.P.Chandrasekar



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JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J.)

Challenging the order dated 10.08.2023 passed by the learned Judge in A.No.3033 of 2023 in C.S.SR.No.72655 of 2023, the appellant has preferred the present Original Side Appeal.

2. This Court, by order dated 01.11.2023, directed the appellant to deposit a sum of Rs.2,00,00,000/- to the credit of the suit, on or before 30.11.2023. Expressing financial crunch, the appellant filed C.M.P.No.27482 of 2023 seeking extension of time till 31.01.2024, so as to comply with the order of this Court dated 01.11.2023. Considering the claim of the appellant, this Court, by order dated 21.12.2023, directed the appellant to deposit a sum of Rs.1,00,00,000/- to the credit of the suit, on or before 31.12.2023 and report compliance to this Court on 03.01.2024.

3. Today, when the matter was taken up, the learned counsel appearing for the appellant submitted that the appellant due to financial difficulties has



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not complied with the conditional order dated 21.12.2023 within the time stipulated by this Court, but is inclined to approach the respondent for an amicable settlement, and hence sought permission of this Court to withdraw the Original Side Appeal. He has also made an endorsement in the case bundle.

4. In view of the above submission and endorsement made by the learned counsel for the appellant, this original side appeal stand dismissed as withdrawn. No costs. Connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]

03.01.2024

Neutral Citation : Yes/No
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AND
MOHAMMED SHAFFIQ, J.

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