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S.A.No.629 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.No.629 of 2023

and

C.M.P.No.19713 of 2023

K.Vijayakumar

...Appellant

Vs.

1.Ganesan

2.Ramasamy

3.Sengoda Gounder

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code,1908, against the judgment and decree passed in A.S.No.9 of 2016 on the file of the Sub-Ordinate Judge, Thiruchengode dated 29.07.2022 confirming the judgment and decree passed in O.S.No.206 of 2003 on the file of Additional District Munsif Court, Thiruchengode dated 02.04.2013.

For Appellant : M/s.J.Prithivi

For Respondents : Mr.A.S.Palanisamy



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ORDER

The Civil Miscellaneous Petition in C.M.P.No.22196 of 2023 filed under Order 23 Rule 3 of CPC seeking permission of this Court to withdraw the O.S.No.206 of 2003 on the file of learned Additional District Munsif Court, Tiruchengode with liberty to institute a fresh suit for the same subject matter of the second appeal

2. On perusal of the petition and the technical defect noted therein, this Court is inclined to allow the petition. Accordingly, the C.M.P.No.22196 of 2023 is allowed.

3. In view of the order passed in C.M.P.No.22196 of 2023, the second appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

17.04.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
nr

To

- 1.The Sub-Ordinate Court, Thiruchengode.
2. The Additional District Munsif Court, Thiruchengode.



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RMT.TEEKAA RAMAN,J.,

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