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C.M.P.No.25848 of 2024 in
A.S.No.244 of 2013

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SATHI KUMAR SUKUMARA KURUP, J.

Learned Counsel for the Respondents 7 to 9 submits that they had returned the case records to the parties/Respondents 7 to 9. Therefore, he seeks to remove the name of the learned Counsel for the Respondents 7 to 9.

2. Learned Counsel appearing for the Respondents 1 and 5 submits that the Respondents 7 to 9 are the legal heirs of the Defendant-4 and Defendants 1, 4 and 5 were defended by the same Counsel before the trial Court. Therefore, he submits that he does not have instructions.

3. Registry is directed to print the name of the Respondents 7 to 9 in the cause list, the legal heirs of Defendant-4 before the trial Court.

4. Learned Counsel for the Appellant is directed to cause notice on the learned Counsel who appeared for the Defendants 1, 4 and 5 before the trial Court.



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5. Learned Counsel for the Appellant objects to returning the Originals of Settlement deed to the Petitioner in C.M.P.No.25848 of 2024 on the ground that the original Settlement deed was not marked before the trial Court.

6. It is the contention of the learned Counsel for the Appellant/Plaintiff that the deceased Palanisamy Gounder used to sign, whereas settlement deed contains his thumb impression. Therefore, it was disputed by the Defendant before the trial Court and under such circumstances, the original Settlement deed in favour of Thangavel need not be returned to the Defendants before the trial Court till the disposal of the Appeal. In the light of the counter filed by the learned Counsel for the Appellant, the learned Counsel for the Petitioner seeks withdrawal of the petition. The Civil Miscellaneous Petition is dismissed as withdrawn with a liberty to file fresh petition.

7. Post the case in usual course.

03.12.2024



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