



C.M.P.(MD)No.9317 of 2023
in S.A.(MD)S.R.No.38356 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.P.(MD)No.9317 of 2023
in S.A.(MD)S.R.No.38356 of 2023

Mohanavalli

...Petitioner

vs.

1.S.Suresh Babu

2.Mohan

Banumadhi (died)

3.Amsavalli

S.A.Krishnan (died)

Jayalakshmiammal (died)

4.Sridhar

5.Sudharsan

6.Gogila

7.Kavitha

...Respondents



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Cause title is accepted vide Court Order dated 16.06.2023 in C.M.P.(MD)No.6855/2023 in S.A.(MD)S.R.No.38356/2023.

Memo dated 30.08.2023 filed on 01.09.2023 in U.S.R.No.30058 is recorded to the effect that respondents 2 and 3 / tenants, are given up, vide Court order dated 22.09.2023 in C.M.P.(MD)No.9317 of 2023 in S.A.(MD)S.R.No.38356 of 2023.

Prayer in C.M.P.(MD)No.9317 of 2023: Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 649 days in filing the present Second Appeal against the Judgement and decree dated 28.02.2019 in A.S.No.15 of 2017 on the file of the Additional District Court, Dindigul, confirming the Judgement and decree dated 20.12.2016 in O.S.No.30 of 2011 on the file of the Additional Sub Court, Dindigul.

Prayer in S.A.(MD)S.R.No.38356 of 2023: Second Appeal filed under Section 100 of the Civil Procedure Code praying to call for the records and set aside the Judgement and decree dated 28.02.2019 in A.S.No.15 of 2017 on the file of the Additional District Court, Dindigul, confirming the Judgement and Decree dated 20.12.2016 in O.S.No.30 of 2011 on the file of the Additional Sub Court, Dindigul and allow this Second Appeal.



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For Appellant : Mr.H.Lakshmi Shankar
For Respondents : R1 - unserved
R2 and R3 - given up
No appearance for R4 to R7

J U D G E M E N T

The learned counsel appearing for the petitioner in C.M.P. (MD)No.9317 of 2023 in S.A.(MD)S.R.No.38356 of 2023 seeks leave of this Court to withdraw the Miscellaneous Petition and Second Appeal. He also submitted a letter dated 13.11.2024 to the Registry in this regard.

2. Considering the submission of the learned counsel and also the letter given by him, this Civil Miscellaneous Petition is dismissed as withdrawn. Consequently, the Second Appeal is rejected in the S.R. stage itself. No costs.

20.11.2024

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

mbi



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To

- 1.The Additional District Court, Dindigul
- 2.The Additional Sub Court, Dindigul



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KRISHNAN RAMASAMY, J.

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20.11.2024