



C.M.A.(MD)No.176 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2025

CORAM:

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

C.M.A.(MD)No.176 of 2024
and C.M.P.(MD).No.2158 of 2024

R.Subbarayalu

... Appellant/Petitioner/Plaintiff

Vs.

1.B.Mathanmohan

2.The Branch Manager,
Repco Bank, Chennai Corporate Branch,
Door No.18, C.P.Ramasamy Road,
Alwarpet, Chennai – 600 018.

3.V.Baskaran

... Respondents/Respondents/Defendants

Prayer: The Civil Miscellaneous Appeal is filed under Order 43 Rule 1(C) r/w Section 104 of Civil Procedure Code, against the fair and final decree in I.A.No.5 of 2022 in O.S.No.145 of 2009 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, dated 31.10.2023.

For Appellant : Mr.J.Alaguram Jothi

For Respondents : Mr.K.Rajeshwaran



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JUDGMENT

This civil miscellaneous appeal has been filed against the fair and final decree in I.A.No.5 of 2022 in O.S.No.145 of 2009 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, dated 31.10.2023.

2.The plaintiff has filed the above suit for preliminary decree for partition and for permanent injunction. The same was dismissed due the absence of the plaintiff on 18.09.2019. To set aside the dismissal order the present interlocutory application has been filed by the plaintiff. The same was also dismissed by the trial Court. Aggrieved over the same the plaintiff has come forward with this present appeal.

3.The learned counsel for the petitioner has filed a memo stating that the dispute regarding the land in the original suit is settled between the parties. Hence, he not press the appeal.

4.The above said memo is recorded. In view of the above said memo no further order is necessary. Accordingly, this civil miscellaneous



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appeal is closed. No costs. Consequently, connected civil miscellaneous
petition is closed.

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NCC :yes/No
Index :yes/No
Internet:yes/No
TM

To

- 1.The Principal District and Sessions Judge, Virudhunagar District at
Srivilliputtur
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN, J.

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