WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

SA No. 1925 of 2004
AND
CMP NO. 15729 OF 2004

1. Hutchan @ Kenchan(Died)
   S/o Late Venkattan C/o Usha
   Bananna Mandi, B.M.Road,
   Kushal Nagar, Karnataka State
2. Nirmala Sampath
   W/o. S.V. Sampath Kumar,
   D/o. Late, Hutchan @ Kenchan,
   No.684, 4th Main Road,
   12th Cross BHEL Layout 2nd Stage
   Behind Janaakshi School,
   Pattanagere, RR Nagar,
   Bengaluru – 560 098.

.. Appellant/Appellant/ 1st Defendant

Vs.

1. Susheela
   W/o Late Puttuswamy
2. P.Kantharaj
   S/o Late Puttuswamy
3. Minor Rupa
   D/o Late Puttuswamy
4. Minor Deepa
   D/o Late Puttuswamy
   R1 To R4 Residing at D.No.8/254 Ketti Village and Post,
   Coonoor Taluk, The Nilgiris.

.. Respondents 1 to 4/Respondents/ Plaintiffs

5. V.Rangan
   S/o Late Venkattan
   D.No.8/255 Ketti Village and Post, The Nilgiris.
6. L.Hutchan @ Dodraj

WEB COPY

V.Lakshmanan,
D.No.7/24, Yellanalli Needle Industries Post, The Nilgiris.

7. L.Natraj
S/o Late V.Lakshmanan
D.No.7/24, Yellanalli,
Needle Industries Post,
The Nilgiris.

8. Sarasu
W/o Late. Nanjundan

9. N.Rajesh
S/o Late Nanjundan

10. N.Anand
S/o Late Nanjundan

11. Minor N.Pradeep
S/o Late Nanjundan
(R8 To 11 D.No.7/24, Yellanalli,
Needle Industries Post, The Nilgiris.)

12. Lakshmi
W/o Late Nanjundan

13. N.Moorthy
S/o Late Nanjundan

14. N.Mahesh
S/o Late Nanjundan

15. N.Rajkumar S/o Late Nanjundan
R12 to R15 are residing at D.No.7/26,
Ketti Village and Post, The Nilgiris.

16. Thulasi W/o Venkittan
D.No.8/235, Ketti Village and Post,
The Nilgiris. .. Respondents/Respondents 5 to 16/
Defendants 2 to 13

17. Rani Rajan @ Jayalakshmi
W/o. S. Thiruvenkatam,
D.No.4, 1st Main Road,
Officers Colony, Adambakkam,
Chennai – 88. .. 17th Respondent

(17th respondent impleaded as party respondent
vide order of Court dated 05.01.2007 made
in CMP.No.15980 of 2005)

https://www.mhc.tn.gov.in/judis

WEB COPY

18.Lakshmi
W/o. Late Hutchan @ Kenchan,
No.8/112A, Lakshmi Nagar,
Masinagudi - Udhagai Village, The Nilgiris.

19.H. Raju
S/o. Late Hutchan @ Kenchan,
No.7/19 (Front), Needle Industries Post,
Yellanahalli, Ketti Valley, The Nilgiris – 643 243.

20.H. Vijayaraj
S/o. Late. Hutchan @ Kenchan,
No.7/19 (Back), Needle Industries Post,
Yellanahalli, Ketti Valley, The Nilgiris - 643 243.

21.L. Sanjeev
S/o. Late K. Lingam,
Garudana Ukkada, K. Shetiihalli Post,
Mandya – 807. . Respondents 18 to 21/L.R's of deceased sole appellant

(Sole appellant died, A2 and R18 to 21 are brought on record as LRs of the deceased sole appellant vide Court Order dated 25/10/2024 made in CMP.Nos.16353,16358 and 16360 of 2024 in S.A.No.1925 of 2004)

22.N.Sundar
S/o Late Nanjundaiah,

23.Gomathi Sundar
W/o N.Sundar
(R22 and R23 are residing at 134/B,
Pudumund, Ootacamund, The Nilgiris.
(R22 and 23 are impleaded Vide Court Order Dated 14.11.2024 made in CMP.No. 10080/2016 in S.A.No. 1925/2004) ..Respondent 22 & 23

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908 praying to set aside the Judgment and Decree dated March 23, 2004 made in A.S.No.71 of 2003 on the file of the District Court, Nilgiris , Udhagamandalam,

https://www.mhc.tn.gov.in/judis

WEB COPY

reversing the Judgment and Decree dated September 26, 20013made in O.S.No.189 of 1998 on thee file of the Sub Court, Udhagamandalam.

For Appellant(s)	:	Mr.G.Santhanu for Mr.T.L.Thirumalai Samy
For R1 to R4	:	Mr.K.J.Rebllo
For R6 to R11	:	Mr.V.Srinivasan
For R5, R12 to R15 & R17	:	No Appearance
For R16	:	Dismissed
For R19 & R20	:	Ms.Jeeva Dharshini for M/s.Thanga Vadhana Balakrishnan
For R18 & R21	:	Fresh notice ordered dated 13.03.2026 AOS not filed
For R22 & R23	:	Mr.K.Rajkumar for Mr.R.Bharath Kumar

JUDGMENT

This Second Appeal has been filed praying to set aside the Judgment and Decree dated March 23, 2004 made in A.S.No.71 of 2003 on the file of the District Court of Nilgiris at Udhamandalam, reversing the Judgment and Decree dated September 26, 2003 made in O.S.No.189 of 1998 on the file of the Sub Court, Udhagamandalam.

2. Mr.G.Santhanu, representing, Mr.T.L.Thirumalai Samy, Counsel on record for the Appellant and Ms.Jeeva Dharshini, representing, M/s.Thanga Vadhana

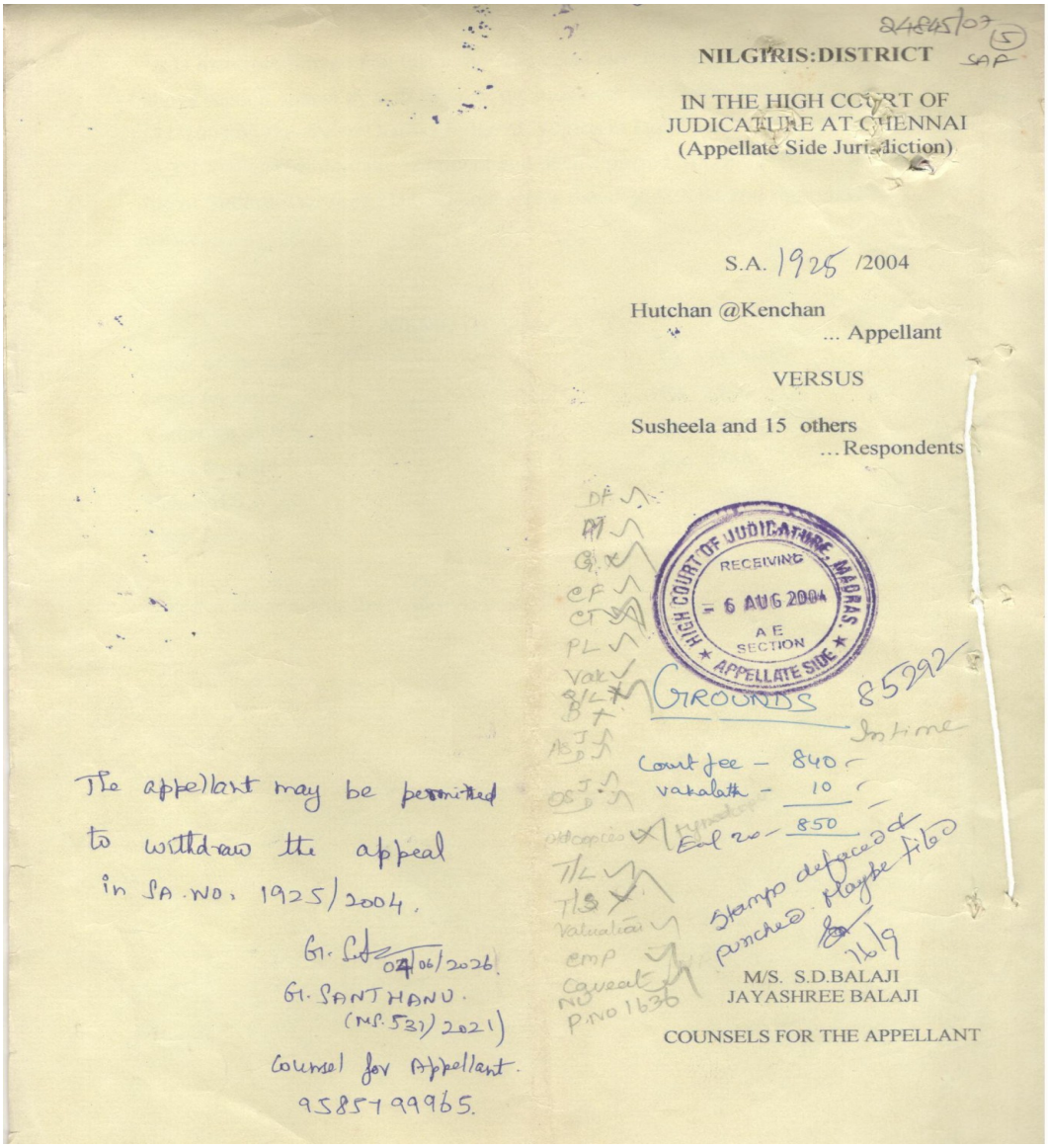
https://www.mhc.tn.gov.in/judis

WEB COPY

Balakrishnan, Counsel on record for R19 and R20 are before this Court and Mr.K.Rajkumar, representing Mr.R.Bharath Kumar, Counsel on record for R22 and R23 is before this Court through Video Conferencing Mode.

3. No Representation for R1 to R4, R6 yo R11 and other respondents.

4. Today, when the matter came up for hearing, Mr.G.Santhanu, representing Mr.T.L.Thirumalai Samy, Counsel on record for the Appellant seeks permission of this Court to withdraw the Second Appeal and he has also made an endorsement to that effect, in the case file and a scanned reproduction of the same is as follows:



24845/07 (5) SAP

NILGIRIS:DISTRICT

IN THE HIGH COURT OF JUDICATURE AT CHENNAI
(Appellate Side Jurisdiction)

S.A. 1925 /2004

Hutchan @Kenchan
... Appellant

VERSUS

Susheela and 15 others
...Respondents

HIGH COURT OF JUDICATURE, MADRAS. RECEIVING - 6 AUG 2004 A E SECTION APPELLATE SIDE

GROUNDS 85292
In time
Court fee - 840
vakalath - 10
Eal 20 - 850
Stamps defaced & punched. Maybe filed
16/9

M/S. S.D.BALAJI
JAYASHREE BALAJI

COUNSELS FOR THE APPELLANT

The appellant may be permitted to withdraw the appeal in SA.NO. 1925/2004.
G. Santhanu 04/06/2026
G. SANTHANU.
(MS.531/2021)
Counsel for Appellant.
9585799965.

WEB COPY

R.SAKTHIVEL, J.

KKD

5. In view of the endorsement made by the learned Counsel for the appellant, this Second Appeal is dismissed as withdrawn. Consequently, connected Civil Miscellaneous Petition is closed. Considering the facts and circumstances of the case, there shall be no order as to costs.

04.06.2026

KKD

To

1. The District Court of Nilgiris at Udhamandalam,
2. The Subordinate Court, Udhagamandalam.

S.A.No.1925 of 2004

https://www.mhc.tn.gov.in/judis