



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

SA No. 25 of 2018

AND

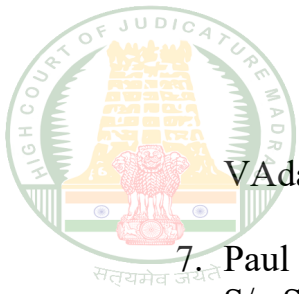
CMP NO. 556 OF 2018

T.Balan
NO.8, BAJANAI KOIL IIInd ST.,
SALIGRAMAM, VADAPALANI
CHENNAI 26

..Appellant(s)

Vs

1. Koilraj
S/o Late Mr.Durai
No.15, Priya Nagar, Vepampattichathiram
Vepampattu Post, Thiruvallur Tk,
Tiruvallur
2. Gopalakrishnan
S/o Navaneethamal
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26
3. Dayalan
S/o Navaneethammal
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26
4. Kumar
S/o Navaneethammal No.8, Bajani Koil II St.,
Saligramam, VAdapalani, Chennai - 26
5. Dilliammal
D/o Navaneethammal,
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26
6. Sundar
S/o Navaneethammal
No.8, Bajani Koil II St., Saligramam,



VAdapalani, Chennai - 26

7. Paul Issac,
S/o Saroja
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26

8. Selvarani,
D/o Saroja
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26

9. Daniel
S/o Saroja
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26

10. Muniammal
W/o Jayachandran
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26

11. P. Mani
S/o PAkkirisammy,
No.8, Bajani Koil II St., Saligramam,
VAdapalani, Chennai - 26

12. J. Vijaya Lakshmi
No.8, Bajani Koil II St., Saligramam,
Vadapalani, Chennai - 26

13. J. Stephen
No.8, Bajani Koil II St., Saligramam,
Vadapalani, Chennai - 26

..Respondents

To set aside the decree and judgement of the XIX Addl. Judge City Civil Court, Chennai passed in A.S.No.301 of 2015 dated 18/04/2017 and confirm the judgement and decree of the 14th Assistant City Civil Court in OS.No.2487 of 2012 dated 10.04.2014.



For Appellant : Mr.Arun Raj
for M/s.Nithyaesh And Vaibhav

For Respondents : M/s.S.Nirmal Aditya For Rr2 To 10, 12 & 13

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Judgment

The plaintiff has filed this appeal challenging the judgment and decree dated 18.04.2017 passed in A.S.No.301 of 2025 on the file of the learned XIX Additional Judge, City Civil Court, Chennai which confirmed the judgement and decree dated 10.04.2014 passed in O.S.No.2487 of 2012 on the file of the XIV Assistant City Civil Court.

2. This is a suit for partition. The learned counsel for the 11th respondent/ 12th defendant filed a memo on 01.12.2023 that the purchaser from the first defendant's father passed away on 13.03.2023. This memo was served on the counsel on 01.12.2023 and filed into the court in Memo SR41207 of 2023.

3. Despite the intimation, no steps had been taken to bring on record the legal representatives of the deceased 12th defendant who is the contesting defendant. The other defendants are family members.

4. In a suit for partition, if the suit abates against one party, it abates against all. That being the position, the second appeal stood abated sometime in



June 2023 for not taking steps. Hence, the second appeal is dismissed as abated.

No costs. Consequently, the connected miscellaneous petition is closed.

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03-07-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The XIX Additional Judge, City Civil Court, Chennai

2. The XIV Assistant City Civil Court, Chennai

3. The Section Officer, VR Section
High Court of Madras



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SA No. 25 of 2



V.LAKSHMINARAYANAN J.

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