

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

Second Appeal No.662 of 2015 and
M.P.No.1 of 2015

Purushothaman (died)
Shanmugam (died)

1.Dhayalan
2.Chandrammal
3.Sughuna
4.Gayathri

... Appellants

Vs.

1.V.Pandiyan

2.V.D.Dharmalingam

... Respondents

Prayer:- This second appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 27.06.2014 made in A.S.No.47 of 2011 on the file of the learned Subordinate Judge, Vellore, Vellore District reversing the judgment and decree dated 05.04.2011 made in O.S.No.432 of 1995 on the file of the learned Additional District Munsif, Vellore, Vellore District.

For Appellant : Mr.R.Krishnan

JUDGMENT

The learned counsel for the appellants seeks permission of this Court to withdraw the second appeal and he has also made an endorsement to that effect. The learned counsel for the appellants would however submit that it may be clarified that the dismissal of the second appeal shall not be an impediment for the appellants to file an appropriate full fledged suit for declaration of title and for other consequential reliefs.

2.In view of the above, the second appeal is dismissed as not pressed and since, it is only a suit for injunction, it is clarified that the dismissal of the second appeal will not be a bar for the appellants to file a suit for declaration of title and for other consequential reliefs, if they so advised. However, considering the nature of the case, there shall be no

order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Jbm

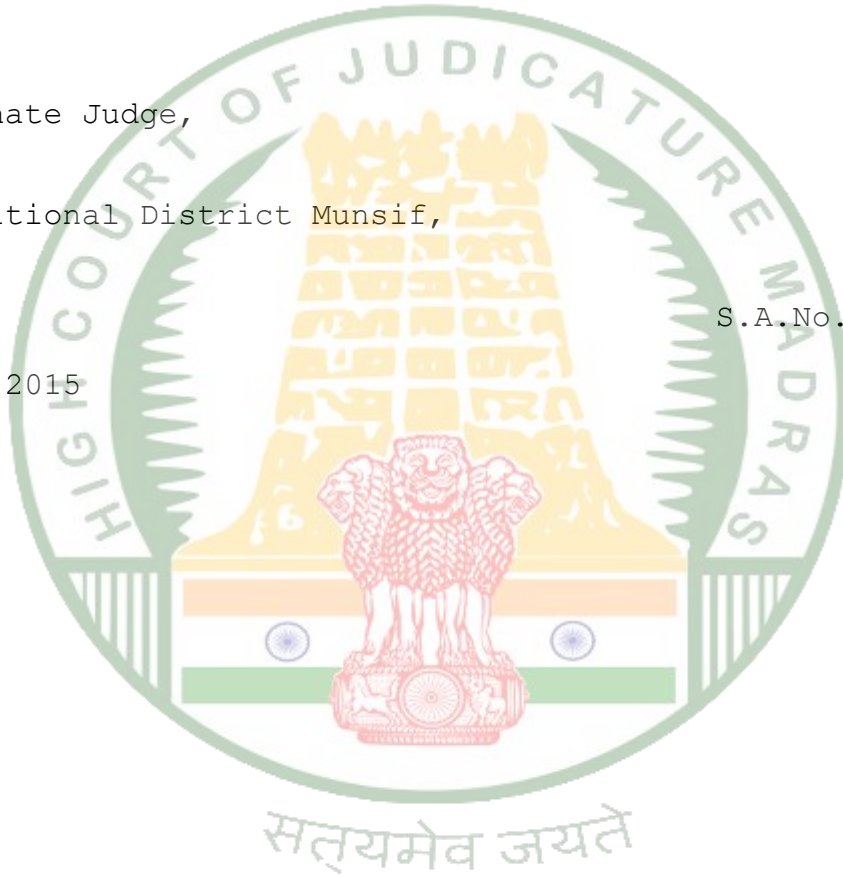
To

1.Subordinate Judge,
Vellore.

2.The Additional District Munsif,
Vellore.

vsn co
kra 08.12.2015

S.A.No.662 of 2015



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