

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. SUNDAR

S.A. No.1601 of 2000

1.Seethalakshmi ammal

2.Kasambu

3.Muthukrishnan

4.Duraisamy

5.Narayanan

.... Appellants

Vs.

1. Durairaj (deceased)

2. Rangasamy

3.Selvaraj

4.Krishnaraj

(RR3 and RR4 brought on record as
LRs of the deceased R1 vide order of
this court dated 26.06.2014 made

in CMP.Nos.2125 to 2127/2008

in S.A.No.1601/2000)

.... Respondents

PRAYER: Second Appeal is filed under Section 100 of Code of Civil Procedure against the judgment and decree dated 31.07.2000 made in A.S.No.29 of 1998 on the file of the Principal Sub-Court, Villupuram reversing the judgment and decree dated 24.12.1997 made in O.S.No.559 of 1994 on the file of Additional District Munsif Court, Villupuram.

For Appellants : Mr.T.Dhanyakumar

For Respondent Nos.3 & 4 : Mr.K.Krishnan

for Mr.A.Sivaji

For Respondent No.2 : Given up

For Respondent No.1 : Died

J U D G M E N T

Mr.T.Dhanyakumar, learned counsel, is present on behalf of the appellants (5 appellants in all).

2. It is seen that Mr.K.Krishnan, learned counsel on behalf of Mr.A.Sivaji, learned counsel on record for respondent Nos.3 and 4, is present.

3. However, Mr.T.Dhanyakumar, produced a letter from the first appellant, Mrs.Seethalakshmi Ammal (written to him) requesting him to withdraw the second appeal as the matter has

been settled out of court.

4. Under the above said circumstances, it is seen that the appellants 2, 3 and 5 (Kasambu, Muthukrishnan and Narayanan) died pending second appeal.

5. With regard to the appellant No.4, Duraisamy, Mr.Dhanyakumar, learned counsel, reports no instructions. Therefore, for all practical purposes, out of five appellants, only appellant contesting is Mrs.Seethalakshmi Ammal and she has given written instructions for withdrawing the appeal on the ground that the matter has been settled out of court inter se parties.

6. Letter dated 17.09.2013 received from the first appellant by the learned counsel is produced and the same is taken on record.

Second appeal is dismissed as withdrawn.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv

To

1.The Principal Sub-Court, Villupuram.

2. The Additional District Munsif Court, Villupuram.

+lcc to Mr.A. Sivaji, Advocate, S.R.No.18980

rv(CO)

md(17/04/2017)

सत्यमेव जयते

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