



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANASECOND APPEAL (MD) No.398 of 2017

P.Jeyaraman

... Appellant /
2nd Respondent / 2nd Defendant

Vs.

1.R.Seenivasagan

2.V.Perumalswamy

... Respondents 1 and 2/
Appellants / Plaintiffs

3.V.Peria Mariappa Thevar

4.P.Subbammal

5.S.Deivendran

6.A.Meenakshi

7.M.Palani Ammal

8.M.Karuppayee

9.B.Mariammal

10.P.Dhanam

11.M.Balaguruswamy

12.S.Shanmugavel Thevar

13.K.Lakshmanan

14.R.Kousalya

15.D.Ganapathy

16.S.Vellaichamy

17.V.Ramaiah

18.M.Muthumari

19.M.Sangaiah

20.S.Thangavelu

21.M.Kathavarayan

22.N.Muthupalaichi Ammal

23.N.Sangaiah

24.K.Saraswathi

25.Guruvammal

26.G.Vijayalakshmi

27.S.Jothi.

... Respondents 3 to 27 /
Respondents / Defendants 1, 3 to 26

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree, dated 17.11.1986, made in A.S.No.96 of 1985 by the learned Subordinate Judge, Srivilliputhur, reversing the judgment and decree, dated 19.07.1985, passed in O.S.No.94 of 1982 by the learned District Munsif, Sattur.

**JUDGMENT**

This second appeal is filed by the second defendant against the decree passed in the suit for partition. The plaintiffs are the purchasers from the original owners. The appellant, who is the second defendant, had contended that his ancestors have been enjoying the suit property for more than 50 years and they acquired title by adverse possession. He has further contended that he became the owner of the suit property by ousting the other co-owners from enjoyment of the suit property.

2. The main defence taken by the second defendant is that the suit is bad for partial partition and for non joinder of necessary parties. As admittedly the plaintiffs are strangers to the family, the question of partial partition cannot be agitated.

3. It is stated by learned counsel for the appellant that the 10th defendant had also preferred an appeal in S.A.No.959 of 1987 which was dismissed on 26.06.1987. In the light of the same and as the present appeal is filed, after enormous delay, the same may not hold any merit.

4. In view of the above, this second appeal is dismissed, confirming the judgment and decree passed by the first appellate Court. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Srivilliputhur.

2.The District Munsif, Sattur.

3.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.M.HARIHARAN Advocate in SR. No. 77899

GCG

JS/MR.KKR/SAR.1/24.10.2017/2P-5C

S.A.(MD) No.398 of 2017
11.09.2017