

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 31.10.2017
CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN****C.M.A.No.695 of 2011**

1. Grasim Industries Limited, Rriyalur
Represented by its Executive Chairman,
Natarajan.

2. Grasim Industries Limited, Ariyalur,
Represented by its General Manager,
Poovanna.

: Appellants/Respondents/Defendants 21 & 22

Vs.

M.Mohanraj

: Respondent/Petitioner/3rd Plaintiff

Prayer: Civil Miscellaneous Appeal filed under Section 43 R(1) of C.P.C., against the judgment and decree dated 15.11.2010 made in I.A.No.236 of 2010 in O.S.No.52 of 2010 on the file of the District Judge, Karur.

For Appellant : Mr.N.Mohan
For Respondent : Mr.R.Vijayakumar

JUDGMENT

The Civil Miscellaneous Appeal has been filed against the judgment and decree dated 15.11.2010 made in I.A.No.236 of 2010 in O.S.No.52 of 2010 on the file of the District Judge, Karur.

2.Heard Mr.N.Mohan, learned counsel appearing for the appellant and Mr.R.Vijayakumar, learned counsel appearing for the respondent.

3.The decreetal order in I.A.No.236 of 2016 is as follows:

"This Court directs the respondents to submit the details of excavation of land if carried out and to deposit one-fourth amount derived out of such excavation before this Court till the disposal of the suit."



4.The suit in O.S.No.52 of 2010 was taken up by the learned Principal District Judge, Karur and final Decree and judgment was also passed on 11.04.2016. As per the said Decree, there is a finding given to the effect that in the suit filed for relief of partition, separate possession and permanent injunction, the documents adduced on the side of the defendants would clearly prove that the plaintiffs' father himself had sold the property in favour of his brother and therefore, the plaintiffs are not entitled to get the relief of partition, separate possession and permanent injunction as prayed for and accordingly, the suit was dismissed with costs.

5.In view of the above, nothing survives for adjudication in this appeal and the appeal has become infructuous.

6.In the result, the Civil Miscellaneous Appeal is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Judge,
Karur.
2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.VIJAYAKUMAR, Advocate SR.No.84866.

+1cc to M/S.MOHAN, Advocate SR.No.84700.

C.M.A.No.695 of 2011
31.10.2017