



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

**S.A(MD) .No.183 of 2018
and CMP(MD) No.4830 of 2018**

A.Radha ... Appellant/Appellant/Plaintiff

Vs.

K.Periyasamy ..Respondent/Respondent/Defendant

PRAYER : Appeal filed under Section 100 of the Code of Civil Procedure, against the judgement and decree dated 04.10.2017 passed in A.S.No.177 of 2011 on the file of the Principal Sub Ordinate Judge, Madurai confirming the judgment and decree dated 29.08.2011 passed in O.S.No.933 of 2018 on the file of the Principal District Munsif, Madurai, Madurai Town and allow the second appeal.

For Appellant : Ms.P.Kalayarasi Bharathi

JUDGMENT

The plaintiff in the suit is O.S.No. 933 of 2008 is the appellant in this second appeal. The plaintiff/ appellant filed a suit in O.S.No. 933 of 2008 for declaration that the alleged Will dated 06.09.2007 alleged to have been executed by the one Ammapillai @ Janaki ammal in favour of the defendant regarding the suit property is null and void and consequently for permanent injunction restraining the respondents their men from alienating the suit property.

2. The trial court as well as the lower appellate Court found that the plaintiff has not established that she is also entitled to inherit the property of the said testator. To question the Will or the right of the testator to execute the will dated 06.09.2007, the plaintiff / appellant has not produced any document or evidence to show that she is entitled to claim any right as a heir of the testator. In this circumstances, the court below has rightly dismissed the suit. This Court do not find any substantial question of law to entertain this appeal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. As a result this second appeal is dismissed. However, there



shall be no order as to costs. Consequently connected miscellaneous petition is closed

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

To

1. The Principal Sub Ordinate Judge,
Madurai.
2. The Principal District Munsif,
Madurai, Madurai Town.

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Ms.P.Kalaiyarasi Bharathi, Advocate in SR No. 69243

aav

AE/SB/SAR1/09.07.2018/2P/6C

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