

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

S.A.No.368 of 2008
and
C.M.P.Nos.703 to 705 of 2017

1. Veerasamy
2. Minor Thamizharasan
(Represented by his mother and
guardian Indira Gandhi)
3. Smt.Indira Gandhi Appellants

versus

1. Krishnamurthy
2. The State of Tamil Nadu
Represented by the District Collector,
Cuddalore.
3. The Revenue Divisional Officer,
Vridhachalam.
4. The Tahsildar,
Vridhachalam.
5. Firka Surveyor,
T.V.Puthur Village in-charge,
Vridhachalam.
6. The Village Administrative Officer,
T.V.Puthur Village,
Vridhachalam. ... Respondents

Prayer: Second Appeal is filed under Section 100 of code of Civil Procedure to against the judgment and decree dated 22.12.2006 in A.S.No.39 of 2006 on the file of the learned Principal Subordinate Judge, Vridhachalam, reversing the judgment and decree dated 21.12.2005 in O.S.No.38 of 2005 on the file of the II Additional District Munsif, Vridhachalam.

For Appellants : M/s.AL.Gandhimathi

For Respondents: Mr.M.Sricharan Rangarajan

Special Govt. Pleader(C.S.) [For R2 to R6]

JUDGMENT

This appeal is preferred by the plaintiffs in O.S.No.38 of 2005 on the file of the II Additional District Munsif, Vridhachalam. The suit is laid for mandatory injunction to direct the defendants to issue patta to the plaintiffs. The learned counsel for the appellants submitted that during the pendency of the appeal, both the appellants as well as the 6th respondent in this appeal have preferred separate suits for declaration of respective titles and for issuance of patta and the suits were jointly tried and came to be decided before the learned Principal District Munsif, Vridhachalam on 03.09.2018. The issue of title is said to have been decided by the learned Principal District Munsif, Vridhachalam.

2. In view of the fact that patta is only ancillary and evidentiary document about title, since they are issue of title, the same is decided by the Munsif Court.

3. The learned counsel for the appellants seeks permission to withdraw the present appeal as the appeal has become infructuous.

4. Accordingly, this second appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssn

To

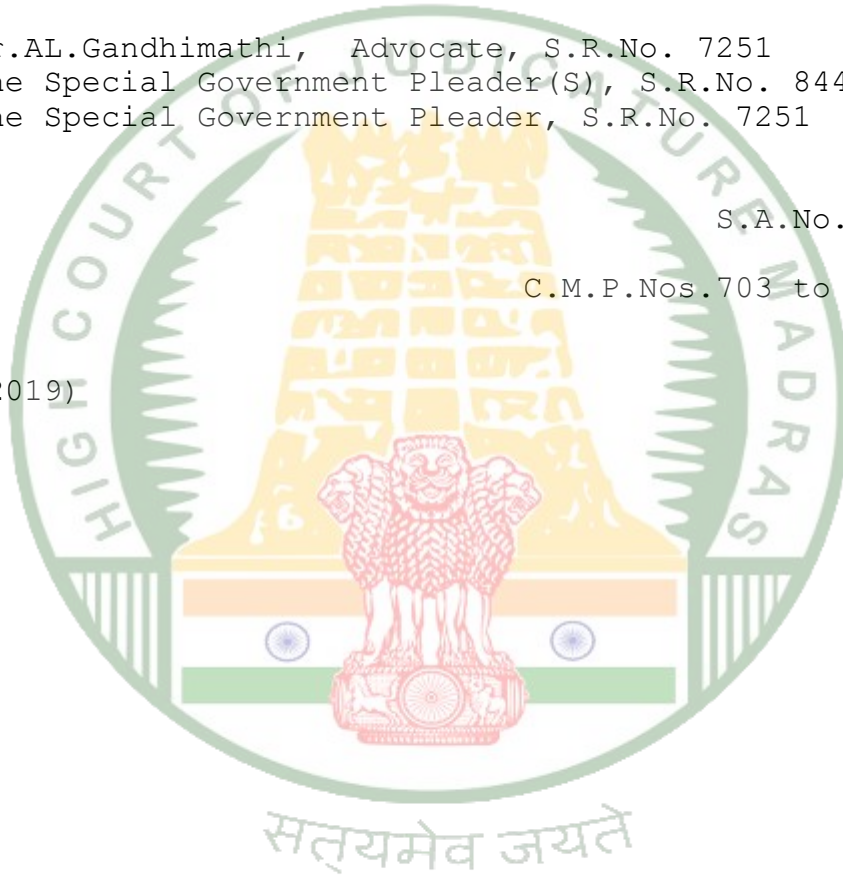
1. The Principal Subordinate Judge,
Vridhachalam.
2. The II Additional District Munsif,
Vridhachalam.
3. The State of Tamil Nadu
Represented by the District Collector,
Cuddalore.
4. The Revenue Divisional Officer,
Vridhachalam.

5. The Tahsildar,
Vridhachalam.
6. Firka Surveyor,
T.V.Puthur Village in-charge,
Vridhachalam.
7. The Village Administrative Officer,
T.V.Puthur Village,
Vridhachalam.

+1cc to Mr.AL.Gandhimathi, Advocate, S.R.No. 7251
+1cc to the Special Government Pleader(S), S.R.No. 8446
+1cc to the Special Government Pleader, S.R.No. 7251

S.A.No.368 of 2008
and
C.M.P.Nos.703 to 705 of 2017

AD(CO)
GN(29/03/2019)



WEB COPY