

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

S.A.No. 77 of 2014

1.Munusamy
2.Sekar
3.Murthi
4.Elumalai

..Appellants/Respondents/Defendant

Vs.

Kumari

..Respondent/Appellant/2nd Respondent

Prayer: Memorandum of Second Appeal filed under Section. 100 of C.P.C. against the judgment and decree dated 09.07.2013 in A.S.No.36 of 2012 on the file of Subordinate Judge, Gingee reversing the judgment and decree dated 28.06.2012 in O.S.No. 96 of 2003 on the file of the learned Additional District Munsif, Gingee.

For Appellants : Mr. R.Sunil Kumar

For Respondent : Mr. T.Dhanasekaran

J U D G M E N T

This Second Appeal has been filed against the judgment and decree dated 09.07.2013 in A.S.No.36 of 2012 on the file of Sub-Ordinate Judge, Gingee reversing the judgment and decree dated 28.06.2012 in O.S.No. 96 of 2003 on the file of the learned Additional District Munsif, Gingee.

2. The learned counsel appearing for the appellants has produced a sale deed dated 29.07.2015 in and by which the respondent had sold the property to the appellants 2, 3 and 4, who are the sons of the first appellant. She has also executed a document titled as Sammadha Pathiram, wherein she had agreed to withdraw the suit.

3. Mr.T.Dhanasekaran, learned counsel appearing for the respondent took time to verify and he is unable to get instructions yet. Be that as it may, in view of the fact that the sale deed has been executed in respect of the ½ of the share of the respondent in all the suit properties, I do not see anything survives in this appeal. Hence, this second appeal is dismissed, the suit in O.S.No. 96 of 2003 will stand dismissed as infructuous. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

kkn

To

1.The Subordinate Judge
Gingee

2.The Additional District Munsif
Gingee

Copy to

The Section officer
VR Section
High Court, Madras 104.

+1 CC to Mr.T.Dhanasekaran, Advocate sr 84942.

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RK(CO)
SP(07/02/2020)

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