

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.03.2020

CORAM:THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

S.A.No.1303 of 2005
&
C.M.P.No.17560 of 2005

1.Ramachandran (died)
2.Gowri
3.Suresh
4.Satish
5.Dhanajeyan
6.Minor Sankarajan, rep. by
(Guardian & Next Friend
2nd Appellant)
7.Natarajan
8.Rajeswari ...Appellants/Plantiff
[Appellants 7 and 8 brought
on record as LRS of the deceased
1st Appellant viz., Ramachandran
Vide Order of Court dated 13/03/2020
made in CMP.No.2028, 2031 and 2033/2020
in S.A.No.1303/2005 (NSSJ)]

Vs.

1.Venkatachalam
2.Elumalai
3.Jayaraman
4.Maragadam
5.Gowri
6.Bhuvaneswari
7.Sudha ...Respondents/Defendant

Prayer:- Second Appeal filed under Section 100 of Civil Procedure Code against the Judgement and Decree made in A.S.No.127 of 2003 dated 30.09.2004 on the file of the Principal Subordinate Court, Tindivanam, confirming the Judgment and Decree made in O.S.No.741/95 on the file of District Munsif cum Judicial Magistrate, Vanur.

For Appellants : Mr.D.Ravichandar

For Respondents : Mr.S.Kaithamalai Kumaran
for R1, R2 & R4 to R7

No appearance for R3

JUDGMENT

Since the suit is of the year 1995 and the appeal is of the year 2005, this Court enquired with the counsel for the appellants if he could commence the argument.

2.The learned counsel for the appellants submitted that it is with utmost difficulty CMP.Nos. 2028, 2031 & 2033 are filed but, his parties did not instruct him beyond that. Introducing the fact for the understanding of the case, the learned counsel submitted that the suit was laid for partition by the alleged second wife and the son born to her through one Gopala Gounder. The suit was dismissed by the trial Court because the plaintiffs could not prove that Gopala Gounder married the third plaintiff after the demise of his first wife nor could they prove that the suit properties were the self acquired properties of Gopala Gounder. The appeal preferred by the plaintiffs too came to be dismissed but, on a different ground.

3.The Second Appeal is dismissed for default. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg

To

1.The Principal Subordinate Court,
Tindivanam.

2.The District Munsif cum Judicial Magistrate,
Vanur.

3.The Section Officer,
V.R.Section
High Court,
Madras.

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NM(CO)
RN(29/05/2020)