



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.03.2020**

CORAM

THE HONOURABLE MR.JUSTICE **RMT. TEEKAA RAMAN**

S.A (MD) Nos.817 to 819 of 2012

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S.A (MD) No.817 of 2012

1.T.Dhanaraj @ Ramasamy
2.Vijaya
3.Ramayee

... Appellants/Respondents 1,11,12/
Plaintiff, Defendants 12&13

Vs.

1.T.Gandhi
2.Rakkammal
3.R.M.Alamelu
4.C.Arjunan (died)
5.C.Shanmugam
6.C.Chockkalingam (died)
7.V.Lakshmi Ammal
8.R.Janathul Pirthouse
9.R.Kalyani

... Respondents/Respondents 2 to 10/
Defendants 1 to 9

10.S.Giriraj
11.S.Krishnakumar

... Respondents/Appellants/
Defendants 10&11

(R-2 is dismissed for default vide Court
order dated 09.07.2018)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, against the Judgment and Decree dated 31.01.2011 made in A.S.No.15 of 2010 on the file of the District Court, Sivagangai reversing the judgment and decree dated 30.06.2009 made in O.S.No.72 of 2005 on the file of the Subordinate Court, Devakottai.

For Appellant	: Mr.T.Lajapathi Roy
For R-1, R-7 and R-9	: Mr.R.Sundar Srinivasan
For R-8	: Mr.C.Jeyaprakash
For R-10 and R-11	: Mr.N.Balakrishnan
For R-3 and R-5	: No appearance
R4&R6	: Died

S.A (MD) No.818 of 2012



2.Vijaya
3.Ramayee

... Appellants/Respondents 1,11,12/
Plaintiff, Defendants 12&13

Vs.

1.T.Gandhi
2.Rakkammal
3.R.M.Alamelu
4.C.Arjunan (died)
5.C.Shanmugam
6.C.Chockkalingam (died)
7.R.Janathul Pirthouse
8.S.Giriraj
9.S.Krishnakumar

... Respondents/Respondents 2 to 10/
Defendants 1 to 6,8,10&11

10.V.Lakshmi Ammal
11.R.Kalyani

... Respondents/Appellants/
Defendants 7&9

(R-2 is dismissed for default vide Court
order dated 09.07.2018)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, against the Judgment and Decree dated 31.01.2011 made in A.S.No.17 of 2010 on the file of the District Court, Sivagangai reversing the judgment and decree dated 30.06.2009 made in O.S.No.72 of 2005 on the file of the Subordinate Court, Devakottai.

For Appellants	:	Mr.T.Lajapathi Roy
For R-1, R-10 and R-11	:	Mr.R.Sundar Srinivasan
For R-7	:	Mr.C.Jeyaprakash
For R-8 and R-9	:	Mr.N.Balakrishnan
For R-3 and R-5	:	No appearance
R4&R6	:	Died

S.A (MD) No.819 of 2012

1.T.Dhanaraj @ Ramasamy
2.Vijaya
3.Ramayee

... Appellants/Respondents 1,12,13/
Plaintiff, Defendants 12&13

Vs.

1.Rakkammal
2.R.M.Alamelu
3.C.Arjunan (died)
4.C.Shanmugam
5.C.Chockkalingam (died)

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



7.R.Janathul Pirthouse
8.R.Kalyani
9.S.Giriraj
10.S.Krishnakumar

...Respondents/Respondents 2 to 11/
Defendants 2 to 11

11.T.Gandhi

... Respondent/Appellant/1st Defendant

(R-1 is dismissed for default vide Court
order dated 09.07.2018)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, against the Judgment and Decree dated 31.01.2011 made in A.S.No.18 of 2010 on the file of the District Court, Sivagangai reversing the judgment and decree dated 30.06.2009 made in O.S.No.72 of 2005 on the file of the Subordinate Court, Devakottai.

For Appellant	:	Mr.T.Lajapathi Roy
For R-6, R-8 and R-11	:	Mr.R.Sundar Srinivasan
For R-3	:	Mr.A.L.Ganthimathi
For R-7	:	Mr.C.Jeyaprakash
For R-9 and R-10	:	Mr.N.Balakrishnan
For R-2 and R-4	:	No appearance

COMMON JUDGMENT

These Second appeals have been filed against the Judgment and Decree dated 31.01.2011 made in A.S.Nos.15, 17 and 18 of 2010 on the file of the District Court, Sivagangai, reversing the judgment and decree dated 30.06.2009 made in O.S.No.72 of 2005, on the file of the Subordinate Court, Devakottai.

2.The learned counsel appearing for the respondents 1, 7 and 9 in S.A(MD) No.817 of 2012 has represented that the second appeals have been filed against the remand orders passed by the learned District Judge, Sivagangai, in A.S.Nos.15, 17 and 18 of 2010 respectively. Challenging the orders of the remand passed in the appeal suits, the appellants have filed the present second appeals. Though the second appeals are pending, there was no stay. Hence, the learned Subordinate Judge, Devakottai, had disposed of the suit in O.S.No.72 of 2005, after hearing the arguments, on 25.09.2019. Either parties, who is aggrieved against the said order, can be persuaded by invoking regular remedy, as these second appeals have become infructuous.



3.This Court has not expressed anything as to the maintainability of the second appeals as against the order of remand, since the suit itself, is now disposed of. Hence, these second appeals stand closed. No costs.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp
To

1.The District Judge, Sivagangai.

2.The Subordinate Judge, Devakottai.

Copy to

The Section Officer-2 copies
Vernacular Section
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.JEYAPRAKASH, Advocate (SR-11910[F] dated 16/03/2020)

+1 CC to Mr.R.SUNDAR SRINIVASAN, Advocate (SR-11849[F] dated 16/03/2020)

+1 CC to Mr.N.BALAKRISHNAN, Advocate (SR-12213[F] dated 18/03/2020)

**S.A (MD) Nos.817 to 819 of 2012
16.03.2020**

KM (29.05.2020) 4P 8C