



WEB COPY

S.A.(MD)No.251 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

S.A. (MD)No.251 of 2015

and

M.P. (MD)No.1 of 2015

Talent Rosalin Ponnammal @ Pappathi

... Appellant / Appellant / Plaintiff
Vs.

1.Samuvel Christopher

2.Sankara Konar

3.Anaiappadoss

4.Granem Ponselvi

5.Rudh Navomi

.. Respondents 2 to 5 / Respondents 2 to 5 /
Defendants 2 to 5

PRAYER: This Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree dated 19.08.2014 passed in A.S.No.61 of 2012, by the learned Subordinate Judge, Vallioor modifying the judgment and decree dated 03.07.2009 passed in O.S.No.31 of 2001 by the learned Principal District Munsif, Nanguneri.

For Appellant

: Mr.S.Siva Thilakar

For R1, R3&R4

: Mr.G.Prabhu Rajadurai

JUDGMENT

This appeal was dismissed against the respondents 2 and 5 for not taking steps. Though the second respondent is a third party purchaser, the fifth respondent is a co-sharer. The plaintiff's suit for partition in O.S.No.31 of 2001 was decreed in part. Aggrieved, the plaintiff preferred an appeal in A.S.No61 of 2012 seeking a larger share, which was dismissed. As against that, the plaintiff has come up with this Second Appeal. Now it turns out that the appeal has been dismissed as against one of the co-sharers. This Second Appeal cannot be heard on merits, since the decree against the fifth respondent has become final. Therefore, this Second Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar (CS)



S.A.(MD)No.251 of 2015

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To

1.The Subordinate Judge,
Vallioor.

2.The Principal District Munsif,
Nanguneri.

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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-3312[F]

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SMA/12/02/2020/2P/6C

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