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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

AS.NOS.1038 OF 2012, 124 OF 2013, 226 OF 2014
& SA.NO.717 2016 AND MP.NOS.1 OF 2013, 1 OF 2014 AND
CMP.NO.13510 OF 2016

AS.No.1038 of 2012

1.Eswaran
2.Valarmathi
3.Gopi
4.Minor Viji
rep. by her father and natural guardian
1st appellant Eswaran

...Appellants / Defendants 2, 6 to 8

Vs.

1.Muthulakshmi
2.Pavayee
3.Nachammal
4.Palaniammal
5.Nachimuthu
6.Malarkodi
7.Rajam
8.Lakshmi
9.S.Sellammal & Co., by its
Managing Director,
No.167-F, Salem Road,
Namakkal Taluk

...Respondents / Plaintiffs

10.T.Masilamani ...Respondents / Defendants 1,3 to 5, 9 & 10

(no relief is claimed against respondents 5 to 10)
in the above Appeal

PRAYER : First Appeal filed under Section 96 of CPC to set aside
the decree and judgment passed in OS.No.151 of 2010 on the file
of the Principal District Court, Namakkal dated 10.09.2012.

For Appellants : Mr.G.Murugendran

For Respondents
For R1 to 4 : Mr.S.Mukunth
for M/s.Sarvabhauman Associates



For R9 : Mr.P.R.Balasubramanian
For R5 : Mr.P.Valliappan
R6 to 8, 10 : No Appearance

AS.No.124 of 2013

S.Sellammal & Co., rep. by its
Managing Director,
No.167-F, Salem Road,
Namakkal Taluk

...Appellant / 9th Defendant

Vs.

1.Muthulakshmi

2.Pavayee

3.Nachammal

4.Palaniammal

5.Nachimuthu

6.Easwaran

7.Malarkodi

8.Rajam

9.Lakshmi

10.Valarmathi

11.Gobi

12.Minor Viji

rep. by guardian

Easwaran

13.T.Masilamani ...Respondents 5 to 13 / Defendants 1 to 8 & 10

...Respondents / Plaintiffs 1 to 4

PRAYER: First Appeal filed under Section 96 of CPC to set aside the preliminary decree and judgment passed by the Principal District Court, Namakkal on 10.09.2012 made in OS.No.151 of 2010.

For Appellants : Mr.P.R.Balasubramanian

For Respondents

For R5 & 6

R1,3 & 4, 7 to 13 : Mr.P.Valliappan

R2 : Notice served

: died (steps due)

AS.No.226 of 2014

Nachimuthu

...Appellant / Ist Defendant

Vs.

1.Muthulakshmi

2.Pavayee

3.Nachammal



4.Palaniammal

5.Eswaran

6.Malarkodi

7.Rajam

8.Lakshmi

9.Valarmathi

10.Gopi

11.Minor Viji

rep. by guardian

Easwaran

12.S.Sellammal & Co., rep. by its

Managing Director,

No.167-F, Salem Road,

Namakkal Taluk

13.T.Masilamani ...Respondents 5 to 13 / Defendants 2, 3, 4,
5, 6, 7, 8, 9 & 10

PRAYER : First Appeal filed under Section 96 of CPC to set aside the decree and judgment passed in OS.No.151 of 2010 on the file of the Principal District Court, Namakkal on 10.09.2012

For Appellants : Mr.G.Murugendran

For Respondents

For R1 to 4

: Mr.S.Mukunth
for M/s.Sarvabhauman Associates

R6 to 13

: given up

R5

: Mr.P.Valliappan

SA.No.717 of 2016

Muthulakshmi

Rep. by S.Chinnusamy(power agent) ...Appellant / 1st Respondent

Vs.

1.Easwaran

2.Natchimuthu Gounder

...Respondents

PRAYER : Second Appeal filed under Section 100 of CPC to set aside the judgment and decree dated 06.11.2015 made in AS.No.77 of 2012 on the file of the Sub Court, Namakkal reversing the judgment and decree dated 16.07.2012 made in OS.No.861 of 2007 on the file of the Principal District Munsif at Namakkal

For Appellant : Mr.S.Mukunth



For Respondents

For R1

: Mr.P.Valliappan

R2

: Notice served

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COMMON JUDGMENT

The first appeal in AS.No.1038 of 2012 has been filed to set aside the decree and judgment passed in OS.No.151 of 2010 on the file of the Principal District Court, Namakkal dated 10.09.2012; the first appeal in AS.No.124 of 2013 has been filed to set aside the preliminary decree and judgment passed by the Principal District Court, Namakkal on 10.09.2012 made in OS.No.151 of 2010; the first appeal in AS.No.226 of 2014 has been filed to set aside the decree and judgment passed in OS.No.151 of 2010 on the file of the Principal District Court, Namakkal on 10.09.2012; and second appeal in SA.No.717 of 2016 has been filed to set aside the judgment and decree dated 06.11.2015 made in AS.No.77 of 2012 on the file of the Sub Court, Namakkal reversing the judgment and decree dated 16.07.2012 made in OS.No.861 of 2007 on the file of the Principal District Munsif at Namakkal.

2. The learned counsel for the appellant in the second appeal in SA.No.717 of 2016 submitted that in pursuant to the order passed by this Court in CMP.No.1 of 2013 in AS.No.124 of 2013 dated 14.12.2020, final decree itself has been passed in the suit on 31.08.2021 in IA.No.178 of 2013 in OS.No.151 of 2010 by the trial court i.e. Principal District Court, Namakkal as per the compromise arrived at between the parties.

3. Accordingly, the appeal suits in AS.Nos.1038 of 2012, 124 of 2013 & 226 of 2014 are disposed of. In view of the orders passed in the above appeal suits, the second appeal in SA.No.717 2016 has become infructuous. Accordingly, the second appeal in SA.No.717 of 2016 is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1.The Principal District Judge,
Namakkal.



2.The Subordinate Judge,
Namakkal.

3.The Principal District Munsif,
Namakkal.

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Copy To

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

+1cc to Mr.G.Murugendran, Advocate Sr.No.44204

+4ccs to Mr.P.Valliappan, Advocate Sr.Nos.44076, 44077, 44078,
44081

+4ccs to M/s.Sarvabhauman Associates, Advocate Sr.Nos.44033,
44034, 44035, 44036

AS.Nos.1038 of 2012, 124 of 2013,
226 of 2014 & SA.No.717 2016

BR(CO)
RVM(10/02/2022)