



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

A.S.No.515 of 2011
and
C.M.P.No.6354 of 2016

B.Rajkumar ...appellant/4th defendant
Vs

1.Vasanthi ...1st Respondent/Plaintiff
2.Gnamani
3.D.Shanthi
4.B.Pushparaj

[R2 to R4 are not necessary
parties in the Appeal]

(RR2 to 4 impleaded as proposed respondents
vide order of this Court dated 12.03.2020 made
by MKKSJ in C.M.P.No.395 of 2017 in A.S.No.515 of 2011)

PRAYER Appeal Suit filed under Section 96 of the Code of Civil Procedure, to call for the Trial Court records, set aside the Decree and Judgment passed on 23.12.2009 in O.S.No.7940 of 2008 on the file of the Learned Additional District Judge at Chennai - Fast Track Court No.IV at Chennai and to dismiss the suit in respect of the Appellant's 1/5th Share in the suit property.

For appellant : No appearance

For respondents : Mr.P.C.Chandrasekar

JUDGMENT

Mr.V.Manisekaran, learned Counsel for the respondents in the above appeal would submit that the appellant herein who had filed this appeal challenging the decree for specific performance had executed the sale deed dated 14.12.2005 in favour of the plaintiff/1st respondent releasing his 1/5th share in the suit property under the registered deed dated 18.11.2020



registered as document No. 3628 of 2020, on the file of the Sub-Registrar, Anna nagar.

2. Likewise, Mr.B.Pushparaj / 3rd defendant herein has also executed the similar release deed.

3. Considering the fact that the appellant has released his interest in the suit property in favour of the appellant, nothing survives for consideration in the above first appeal. There is no appearance for the appellant. The certified copy of the release deed has been filed in the Court.

4. In the light of the above, the appeal suit is dismissed as infructuous. There shall be no order to cost. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gd/vkr

To

The Additional District Judge Chennai /
(Fast Track Court No.IV) Chennai.

Copy to:
The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.Mohana Rangam, Advocate, S.R.No.46711

+1cc to Mr.Mani Sekaran, Advocate, S.R.No.46719

A.S.No.515 of 2011
and
C.M.P.No.6354 of 2016

MG (CO)
SU(01/11/2021)