



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.S.A.Nos.2 and 3 of 2011

1.Shanthi

2.Jeeva (Minor)

(Represented by his mother and
natural guardian, the 1st appellant)

.. Appellants/Claimants in
both CMSAs.

Vs.

1.Sengamalaii (died)

2.Perumal

(R2 remained exparte before the Tribunal
and hence notice to R2 is dispensed with)

3.Selvambal

4.T.Valarmathi

5.Malar

(RR3 to 5 brought on record as legal heirs
of the deceased 1st respondent viz., Sengamalai
vide Court order dated 05.07.2019 made in
C.M.P.Nos.13850 to 13852 of 2019 in CMSA
No.2 of 2011)

.. Respondents/ Respondents in
C.M.S.A.No.2 of 2011

1.Veerasingam

2.Perumal

(R2 remained exparte before the
Tribunal and hence, notice to R2 is
dispensed with)

.. Respondents/ Respondents in
C.M.S.A.No.3 of 2011

PRAYER: Civil Miscellaneous Second Appeals filed under Section 100 of C.P.C. read with Order XXI Rule 58 of C.P.C., against the judgment and decree dated 30.08.2010 made in C.M.A.Nos.6 and 7 of 2009 on the file of the Sub Court, Perambalur, confirming the fair and decretal order dated 06.09.2007 made in E.A.Nos.199 and 228 of 2005 in E.P.Nos.18 and 14 of 2005 in O.S.Nos.204 and 209 of 2004 on the file of the District Munsif Court, Perambalur.

For Appellants : Mr.S.Kamadevan

For R1 : Mrs.Sivagamasundari

R2 : Exparte before the lower Court



C O M M O N J U D G M E N T

(The matter is heard through Video-conferencing/Hybrid mode)

These Civil Miscellaneous Second Appeals have been filed against the judgment and decree dated 30.08.2010 made in C.M.A.Nos.6 and 7 of 2009 on the file of the Sub Court, Perambalur, confirming the fair and decretal order dated 06.09.2007 made in E.A.Nos.199 and 228 of 2005 in E.P.Nos.18 and 14 of 2005 in O.S.Nos.204 and 209 of 2004 on the file of the District Munsif Court, Perambalur.

2.Today, when the matters are taken up for hearing, the learned counsel appearing for the 1st respondent in both the cases submitted that the 1st respondent in both the cases, who are decree holders, filed E.P.Nos.18 and 14 of 2005 in O.S.Nos.204 and 209 of 2004 on the file of the District Munsif Court, Perambalur and on transfer, the said E.P.Nos.18 and 14 of 2005 are re-numbered as E.P.Nos.1 and 2 of 2021 on the file of the District Munsif Court, Kunnam, Perambalur District. The learned counsel further submitted that the appellants have paid a sum of Rs.3,20,000/- (Rupees Three lakhs twenty thousand only) to the 1st respondent in both the cases in E.P.Nos.1 and 2 of 2021 in O.S.Nos.204 and 209 of 2004 and therefore, the 1st respondent in both the cases will not press E.P.Nos.1 and 2 of 2021 in O.S.Nos.204 and 209 of 2004 on the file of the District Munsif Court, Kunnam, Perambalur District.

3.Recording the submissions made by the learned counsel appearing for the 1st respondent in both the cases, the Civil Miscellaneous Second Appeals are closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Munsif,Perambalur.

2.The Subordinate Judge,Perambalur.

3.The District Munsif
Kunnam, Perambalur District.

C.M.S.A.Nos.2 and 3 of 2011

VBM(CO)

A.SK(09.02.2022)