



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.No.1906 of 2000

T.Parthasarathy

... Appellant/Defendant

Vs.

1.S.Natarajan

2.S.Ramalingam

3.S.Ramasamy

... Respondents/Plaintiffs

PRAYER: This Second Appeal has been filed under Section 100 of Code of Civil Procedure against the Judgment and decree dated 18.06.1999, made in A.S.No.55 of 1996, on the file of the learned Principal District Judge at Pondicherry, confirming the Judgement and Decree dated 30.11.1995 made in O.S.No.34 of 1995, on the file of the learned II Additional District Munsif, Pondicherry.

For Appellant : Mr.S.Siva Shanmugam

For Respondents : Mr.N.Sankar
For R1 to R3

JUDGMENT

This second appeal has been filed against the Judgment and decree dated 18.06.1999, made in A.S.No.55 of 1996, on the file of the learned Principal District Judge at Pondicherry.

2.Heard the arguments of the learned counsel for the appellant.

3.The defendant is the suit in O.S.No.34 of 1995 is the appellant herein.

4.The respondents herein/plaintiffs have filed a suit in O.S.No.34 of 1995, before the Court of II Additional District Munsif at Pondicherry, for declaration of the title and for permanent injunction on the plea that they inherited the suit property. The suit was contested by filing the written statement, inter alia contended that the appellant



herein/defendant has purchased the portion of the property from one of the heirs therein viz., Manjini, s/o. Late Ramasamy. It appears that the defendant/appellant herein has also filed a counter in the suit in O.S.No.2 of 1995, on the file of the learned First Additional Subordinate Judge, Pondicherry and that is a suit for partition, wherein, the said suit was allowed and the judgement granted by the Lower Appellate Court is set aside in Second Appeal No.1511 of 1999.

5. In view of the decision rendered in S.A.No.1511 of 1999, the reasoning given by the Trial Court does not require any interference in the above second appeal. The substantial questions of law are stands negative, in view of the clear finding rendered in S.A.No. 1511 of 1999, dated 25.10.2005.

6. In this view of the matter, the second appeal stands dismissed and the Judgment passed in A.S.No.55 of 1996, on the file of the learned Principal District Judge at Pondicherry, dated 18.06.1999 confirming the Judgement and Decree made in O.S.No.34 of 1995, on the file of the learned II Additional District Munsif, Pondicherry, dated 30.11.1995, stands confirmed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dua

To

1. The Principal District Judge, Pondicherry.

2. The II Additional District Munsif, Pondicherry.

Copy to

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

+1cc to M/s.S.Siva Shanmugam, Advocate, S.R.No.8116

S.A.No.1906 of 2000

JP-II (CO)
HS (13/09/2021)