



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

A.S. (MD)No.303 of 2008

and

M.P. (MD)No.2 of 2008

1.Gomathinayagam
2.A.Santhanalakshmi
3.K.S.Subramanian

... Appellants

Vs.

1.Vetrivel Nathan
2.S.Azhwar Janaki (Died)
3.The Assistant Engineer,
TNEB (Urban),
Vannarpettai, Tirunelveli - 3.

4.G.A.Venugopal
5.Sajee Manikandan

6.Sayee Selvandrakumar

... Respondents

(R4 to R6 are brought on record as LRs of the deceased second respondent vide order dated 24.01.2018 made in C.M.P. (MD)Nos.178 to 180 of 2017 in A.S. (MD)No.303 of 2008 by SSSRJ)

Prayer: Appeal Suit filed under Section 96 of Civil Procedure Code, against the judgment and decree dated 28.12.2007 passed in O.S.No.50 of 2004 on the file of the learned Fast Track Court No.II (Additional District Judge), Tirunelveli.

For Appellants : Mr.V. Sribalaji

For Respondents : Mr.S.Yasar Arafath for R1
Mr.M.Mohan Babu for R3

Mr.S.Meenakhsi Sundaram, Senior Counsel
For Mr.J.Alaguram Jothi for R4 to R6

JUDGEMENT

Heard the learned counsel on either side.

2.This appeal arises out of the partition suit proceedings. The first respondent herein namely., Vetrivel Nathan filed a suit in O.S.No.50 of 2004 before the learned Additional District Judge, Fast Track Court No.II, Tirunelveli, seeking the relief of partition. By



the impugned judgment and decree dated 28.12.2007, the trial Court had granted preliminary decree allotting appropriate shares to all the parties. Questioning the same, this appeal came to be filed.

3. When the matter was taken up for hearing, the learned counsel for the appellants submitted that they do not have grievance regarding the preliminary decree passed by the trial Court.

4. In view of the same nothing survives for further adjudication in this appeal suit. The appeal suit stands dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Additional District Judge,
Fast Track Court No.II,
Tirunelveli.

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2C)

+1 CC to M/s.S.YASAR ARAFATH, Advocate(SR-23358[F] dated 20/07/2021)
+1 CC to M/s.S.BALASUBRA MANIAN, Advocate (SR-23389[F] dated 22/07/2021)

A.S. (MD) No. 303 of 2008
20.07.2021

RC (02.08.2021) 2P-6C