



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

S.A. [MD]No.481 of 2009

and

M.P. [MD]No.1/2015 & C.M.P. [MD]No.1660/2018

1.Subramania Pillai (Died)

2.S.Chidambaram Pillai

... Appellant/Appellant/Plaintiff

[A2 is brought on record as legal heir of the deceased sole appellant vide order dated 19.02.2021 in C.M.P.[MD]No.991/2018]

**Vs.**

The State of Tamil Nadu,

Represented by the District Collector,

Nagercoil,

Kanyakumari District.

... Respondent

**PRAYER:** Second Appeal is filed under Section 100 of C.P.C., praying to set aside the judgment and decree in A.S.No.35 of 2007 dated 31.10.2008 on the file of the Principal Subordinate Judge, Nagercoil, confirming the judgment and decree in O.S.No.1246 of 2004 dated 11.12.2006, on the file of the first Additional District Munsif, Nagercoil and allow the second appeal.

For Appellant : Mr.G.Ramanathan

For Respondent : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

### **JUDGMENT**

The learned Counsel for the appellant submitted that the re-survey number is wrongly given as Survey No.132/2 in the suit. Whereas, he recently came to know that the Survey No. is 88/1. Hence, the learned Counsel for the appellant seeks permission of this Court to withdraw this second appeal with a liberty to file a fresh suit and establish his right.

2.Considering the plea and the nature of the list involved, liberty is granted to withdraw this second appeal with liberty to file a fresh suit.

3.Accordingly, this Second Appeal is dismissed as withdrawn. However, there shall be no order as to costs. Consequently,



connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Principal Subordinate Judge,  
Nagercoil.
- 2.The I Additional District Munsif,  
Nagercoil.
- 3.The District Collector,  
State of Tamil Nadu,  
Nagercoil,  
Kanyakumari District.
- 4.The Section Officer, (2C)  
V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.SPL GP ( SR-12258[F] dated 18/03/2021 )

+1 CC to M/s.G.RAMANATHAN, Advocate ( SR-12450[F] dated 19/03/2021 )

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SSS(CO)

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