



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.704 of 2010

and

M.P(MD) .No.1 of 2014 & C.M.P. (MD) .No.6945 of 2018

1. Valantine Thurai
2. Lalitha Jain

... Appellants

Vs.

1. Jeyaraj
2. Annammal
3. Nirmala
4. Deepa
5. Selvi Suganthi

... Respondents

Prayer : Second Appeal filed under Section 100 of Civil Procedure Code, to setting aside the judgment and decree passed in A.S.No.3 of 2010 on the file of the Sub Court, Kovilpatti, dated 27.03.2010 reversing the judgement and decree in O.S.No.215 of 2007 on the file of the District Munsif Court, Kovilpatti dated 01.09.2009.

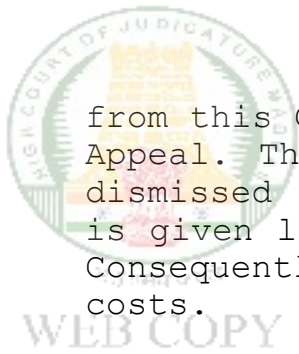
For Appellants : Mr.S.Meenakshi Sundaram
Senior Counsel
For Mr.Sengu Vijay

For Respondents : Mr.Parthsarathy,
For R1 & R2.
Mr.P.Ramasamy,
For R3 to R5.
Mr.J.Bharathan
For proposed respondents
in C.M.P(MD).No.6945 of 2018

JUDGMENT

This Second Appeal is directed against the judgment and decree made in A.S.No.3 of 2010, on the file of Sub-Court, Kovilpatti. The appeal proceedings arise out of a partition suit in O.S.No.215/2007, on the file of District Munsif Court, Kovilpatti. The appellants are said to be third party alienees. The appellants want to withdraw the Second Appeal. The withdrawal of the Second Appeal is opposed by one Rathinam, who is none other than the sister of the plaintiff. Her grievance is that the partition decree was obtained behind her back.

2. Be that as it may, it is open to the appellant to abandon his appeal. the appellant is not seeking any leave or observation



from this Court. All that appellants want is to withdraw the Second Appeal. The said request cannot be opposed. This Second Appeal is dismissed as withdrawn. The petitioner in CMP.(MD).No.6945 of 2018 is given liberty to work out her rights in the manner known to law. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (AE)

// 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:

1. The District Munsif , Kovilpatti.
2. The Sub Court, Kovilpatti

Copy to:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.YASAR ARAFATH, Advocate (SR-27982[F] dated 02/09/2021)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-28289[F] dated 06/09/2021)

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RD(29.09.2021) 2P 7C