



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A(MD).No.538 of 2012

and

M.P(MD).No.2 of 2012

Pandi

...Appellant/Appellant/
Defendant

Vs

1.Periya Pandiammal
2.Nadu Pandiammal
3.Chinna Pandiammal
4.Chellathai

...Respondents/Respondents/
Plaintiffs

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgment and decree dated 30.01.2010 in A.S.No.120 of 2009 by the II Additional Sub-Judge, Madurai by confirming the judgment and decree dated 18.11.2008 passed in O.S.No.20 of 2004 on the file of the District Munsif Court, Tirumangalum.

For Appellant : Mr.M.Karthikeya Venkitachalapathi
For Respondents : Mr.R.G.Shankar Ganesh
For R1 to R3
R4-No appearance

JUDGEMENT

The defendant in O.S.No.20 of 2004 on the file of the District Munsif Court, Tirumangalum is the appellant in this Second Appeal. The respondents herein are none other than the sisters of the appellant.

2.The respondent filed the said suit seeking partition of their respective shares in the suit properties. The appellant filed his written statement controverting the plaint averments. The trial Court framed the necessary issues. The third plaintiff examined herself as P.W.1 and one Subramani was examined as P.W.2 and Ex.A1 to Ex.A11 were marked. The defendant examined himself as D.W.1.

3.The trial Court, after consideration of the evidence on record granted preliminary decree as prayed for. The same was



confirmed by the First Appellate Court in A.S.No.120 of 2009 on the file of the second Additional Sub Judge, Madurai on 30.01.2010. Challenging the same, the Second Appeal has been filed.

4.It is evident that the suit properties are self acquired properties of the father of the plaintiff, who died leaving behind his wife and 3 daughters. Since the suit properties would obviously devolve equally amount all his legal heirs, the Courts below have concurrently held that the parties will be entitled to one-fifth share each. This Court does not find any reason to interfere with the findings of the Courts below. No substantial question of law arises for consideration in this second appeal.

5.Accordingly, this Second appeal is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

kmm

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, Tirumangalam.

2.The II Additional Sub-Judge, Madurai

Copy to:

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

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-25006[F] dated 02/08/2021)

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