



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

S.A. (MD)No.36 of 2005

1.Basheer Ahamathu
2.M.P.Abdul Kader Jailani
3.Mathar Fathima
4.K.Peer Fathimal

... Appellants

Vs.

1.Natarajan
2.Premavathi @ Prema
3.Minor Muthusamy
4.M.R.Anburaja

...Respondents

PRAYER: This Second Appeal has been filed under Section 100 of Civil Procedure Code, against the judgment and decree passed in A.S.No.61 of 2000, dated 27.04.2001 on the file of the I Additional District Court-Cum-Chief Judicial Magistrate, Tirunelveli, confirming the judgment and decree passed in O.S.No.97 of 1996, dated 13.12.1999 on the file of the Principal District Munsif Court, Tirunelveli.

For appellants : Mr.A.Sankara Subramanian
For R1 : Mr.M.V.Venkataseshan
For R2 to R4 : No Appearance

J U D G M E N T

This Second Appeal has been filed against the judgment and decree passed in A.S.No.61 of 2000, dated 27.04.2001 on the file of the I Additional District Court-Cum-Chief Judicial Magistrate, Tirunelveli, confirming the judgment and decree passed in O.S.No.97 of 1996, dated 13.12.1999 on the file of the Principal District Munsif Court, Tirunelveli.

2.The learned counsel for the appellants filed a memo, dated 29.01.2021.

3.Perused the memo and the judgment of the Hon'ble Supreme Court reported in **(2003) 9 SCC 606 (Banarsi and Others Vs.Ram Phal)** submitted by the learned counsel for the appellants.

4.In view of the Order 41 Rule 22 r/w Section 100 of Civil

<https://hcservices.ecourts.gov.in/hcservices/>



Procedure Code, this Second Appeal is dismissed as not maintainable. The memo, dated 29.01.2021 is recorded. No costs.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

VSD

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 I Additional District Court-Cum-Chief Judicial Magistrate,
Tirunelveli.
- 2.The Principal District Munsif Court,
Tirunelveli.
- 3.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.(2-copies)

Order made in
S.A. (MD)No.36 of 2005
23.02.2021

VR(CO)

SRS (16/03/2021) 2P : 5C